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Penal Servitude

E. Stagg Whitin



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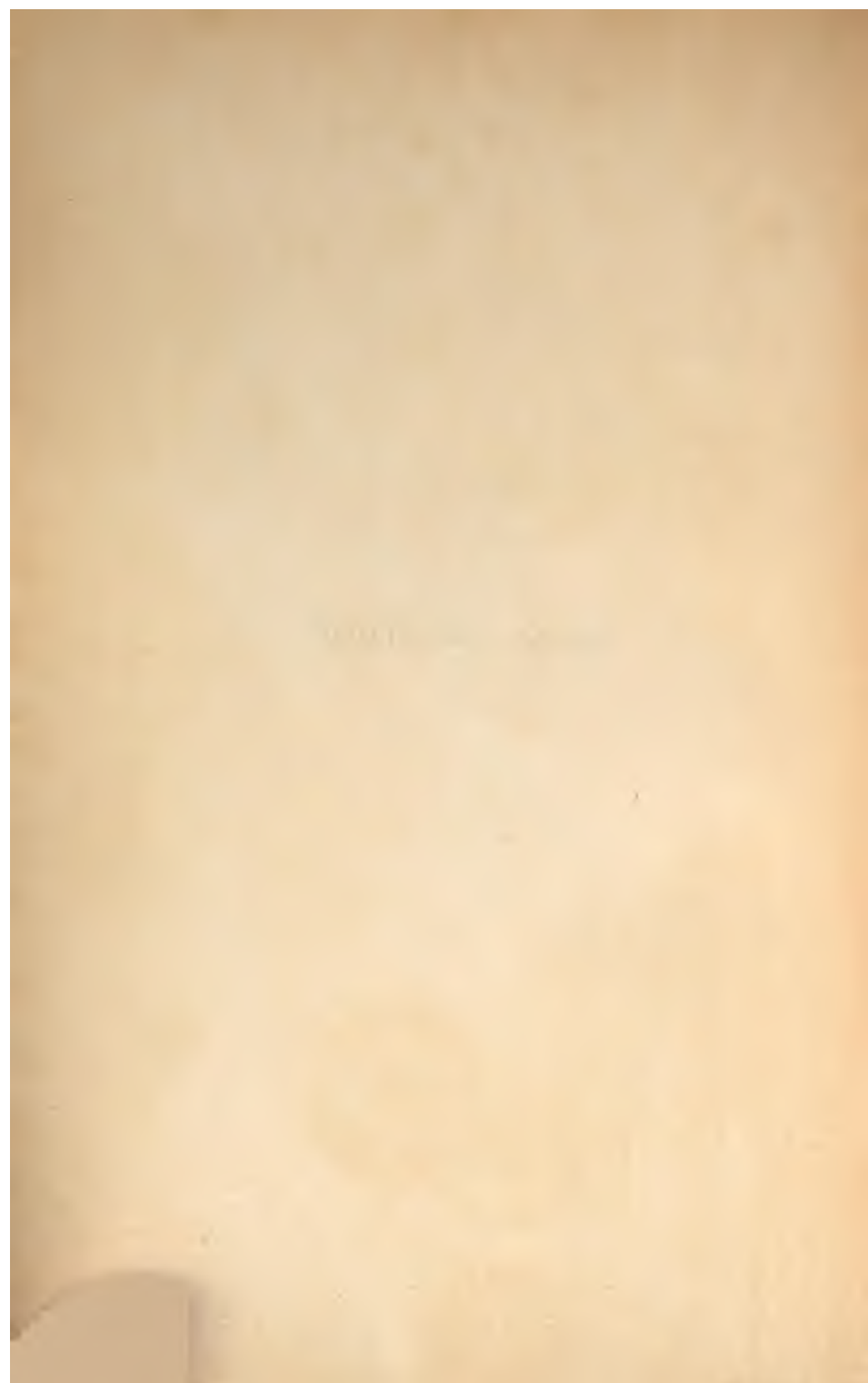
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To
Along Grace
from
Hillier

PENAL SERVITUDE





WHERE CONVICTS GUARD THEMSELVES.

PENAL SERVITUDE

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**NEW YORK
NATIONAL COMMITTEE ON PRISON LABOR**

1912

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PREFACE.

The material contained in the following pages is but a brief summary of the findings of the National Committee on Prison Labor, on which the members of the Committee have based the following resolution, November 24th, 1911:

"After one year of study the National Committee on Prison Labor found the preponderance of evidence to be in favor of the state use system; after a second year of study and further investigation, the Committee is in a position to declare as prejudicial to the welfare of the prisoner, the prisoner's family and the public, the contract system of prison labor. The Committee therefore declares itself opposed to the contract system of prison labor and to every other system which exploits his labor to the detriment of the prisoner."

To the members of the Committee:—

Thomas R. Slicer (Chairman), R. Montgomery Schell (Treasurer).
Percy A. Atherton, Mrs. Samuel J. Barrows, Miss Helen Varick Boswell, Alexander Johnson, B. A. Larger, Samuel McCune Lindsay, John Mitchell, Raymond Robbins, Henry Solomon, Leslie Willis Sprague (Executive Committee).

John R. Alpine, Carol Aronovici, William S. Bennet, Mrs. Elmer Blair, Mrs. Ballington Booth, Mrs. Clarence Burns, John R. Commons, Edgar T. Davies, Miles M. Dawson, William H. DeLacy, John P. Frey, Hamilton Holt, Richard Lloyd Jones, Ben Lindsey, Alfred E. Lunt, Julian Mack, John B. Mayo, Mrs. Philip N. Moore, Charles P. Neill, Thomas M. Osborne, James Bronson Reynolds, Charles Edward Russell, Louis Livingston Seaman, Clarence J. Shearn, John J. Sonsteby, Mrs. Anna Garlin Spencer, Mrs. Perry Starkweather, Warren S. Stone, Mrs. William Cumming Story, Charles H. Strong, Mrs. Eva McDonald Valesh, Edwin P. Wentworth, John Williams, Miss Mary Wood and others (General Committee).

the author makes due acknowledgment, and trusts that the work, which has but just begun, will be continued in the same broad spirit until it can be said with truth that neither slavery nor involuntary servitude, not even as punishment for crime, exists within the United States or any place subject to their jurisdiction.

Kent Hall, Columbia University.
Lincoln's Birthday, February 12th, 1912.

E. S. W.

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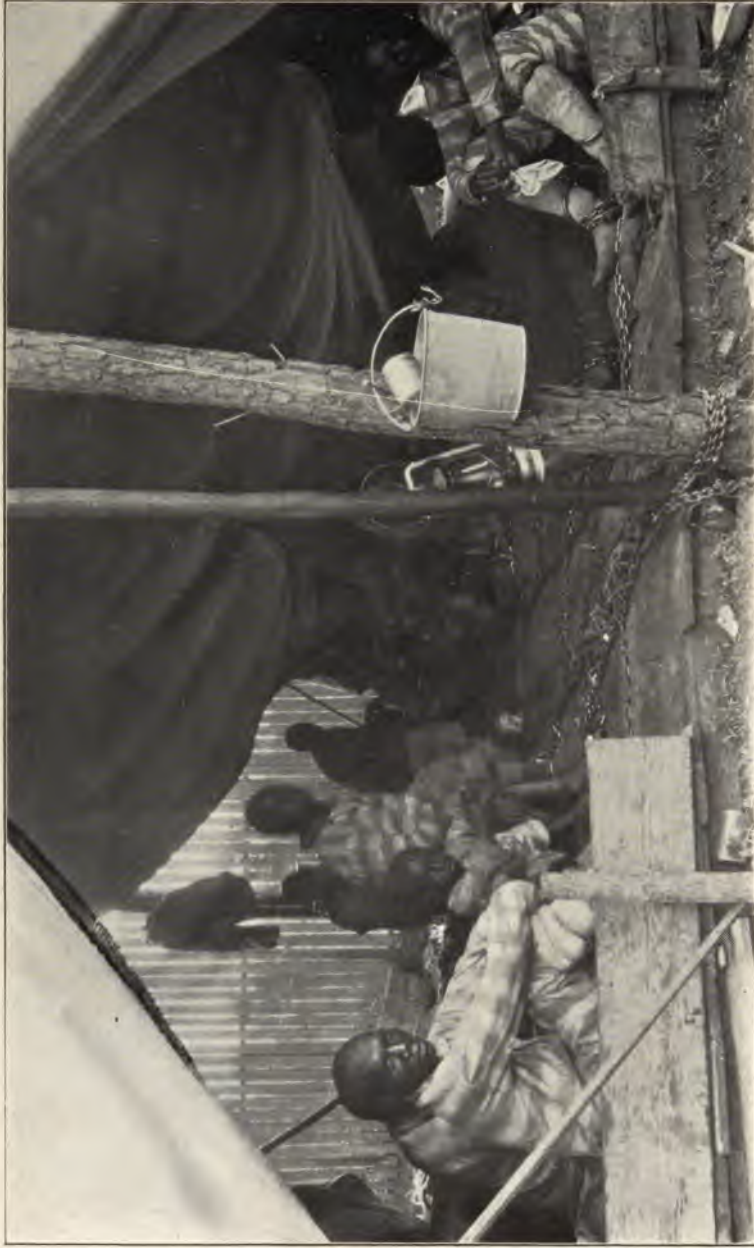
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*Courtesy U. S. Office of Public Roads,
"NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE, EXCEPT,—"*

INTRODUCTION.

The State has a property right in the labor of the prisoner. The 13th Amendment of the Constitution of the United States¹ provides that neither slavery nor involuntary servitude shall exist, yet by inference allows its continuance as punishment for crime, after due process of law. This property right the state may lease or retain for its own use, the manner being set forth in state constitutions and acts of legislatures. To make this of material value the prisoner's labor must be productive. The distribution of the product of the prisoner's labor inevitably presents the problem of competition, and the unfair competition between prison made goods and those produced by free labor has overshadowed the fundamental evil inherent in penal servitude and has caused confusion in the thought underlying prison labor regulation by legislative enactment.²

The usual penological analysis of prison labor into lease,³ contract, piece-price, public account and state-use systems is impossible to use in an economic analysis of the labor conditions involved. Economically two systems of convict production and two systems of distribution of convict-made goods exist: production is either by the state or under individual enterprise; distribution is either limited to the preferred state use market or through the general competitive market. In the light of such classification the convict labor legislation of recent years shows definite tendencies toward the state's assumption of its responsibility for its own use of the prisoners on state lands, in state mines and as operatives in state factories; while in distribution the competition of the open market, with its disastrous effect

¹Constitution of the United States, 13th Amendment, "Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

²"Labor Legislation of 1911," *The American Labor Legislation Review*, vol. 1, no. 3, p. 122.

³Henderson, Charles Richmond, "Penal and Reformatory Institutions," pp. 198-203.

upon prices, tends to give place to the use of labor and commodities by the state itself in its manifold activities. Improvements like these in the production and distribution of the products mitigate evils but in no vital way affect the economic injustice always inherent under a slave system. The payment of wage to the convict as a right growing out of his production of valuable commodities is the phase of this legislation which tends to destroy the slavery condition. Such legislation has made its appearance, together with the first suggestion of right of choice allowed to the convict in regard to his occupation. These statutes still waver in an uncertain manner between the conception of the wage as a privilege, common to England¹ and Germany,² and the wage as a right as it exists in France.³ The development of the idea of the right of wage, fused as it is with the movement towards the governmental work and workshops, cannot fail to stand out in significance when viewed from the standpoint of the labor movement.

In a word the economic progress in prison labor shown in recent legislation is toward more efficient production by the elimination of the profits of the lessee; more economical distribution of the products by the substitution of a preferred market, where the profits of the middleman are eliminated, in place of the unfair competition with the products of free labor in the open market; and finally the curtailment of the slave system by the provision for wages and choice of occupation for the man in penal servitude.

The problem thus stated finds its explanation in the history out of which it has grown and its solution in an analysis of the conditions existing to-day in connection with the control of penal institutions, the use of the convict's labor in their maintenance and in the production of marketable commodities, and the methods of distribution. The educational and social value of methods at present in vogue cannot be secured except by the development of a more perfect synthesis, which shall lead inevitably to con-

¹Henderson, Charles Richmond, "Modern Prison Systems," p. 128. *57th Congress, 2nd Session, H. D. vol. 92.*

²Lombroso, Caesar, "Crime, Its Causes and Remedies," pp. 337-9.

³Roux Roger, "Le Travail dans les Prisons," p. 31.

structive reform, based upon modern ethical conceptions as to the duty of the state to the individual, and conceived on the basis on which rests modern educational thought—that the incentive of interest which brings hope overcomes the wayward tendencies of the race and leads to the socialized education which alone fits the individual to take his position as a free agent in our highly organized modern society.

With these phases of the problem the following chapters will deal.

PART I
THE ECONOMIC PROBLEM.



"As prisoners work for crime,
Band, and gusset, and seam,
Seam, and gusset, and band,

Till the heart is sick, and the brain benumb'd,
As well as the weary hand,"
"Song of the Shirt" Thomas Hood.

CHAPTER I.

THE ECONOMIC STATUS OF PENAL SERVITUDE.

The status of the convict—penal servitude. Justice today can conceive of no state without penal servitude. Economic history—the economic value of the labor of the wayward individual has directly affected the methods of his punishment—galley—mine. In the time of economic distress the hangman was the most convenient agent. Economic demand for colonists for America—cheaper to secure the type of labor from Africa. Idle convicts in England—productive work—sale to private contractors. Australia, a new field. Industrial revolution—children in mills—pressure for workmen—impoverished state sells convicts to build institutions. The earliest prisons in the United States were privately owned. Development of the function of the government. Organized labor the strongest force. Labor's program of constructive reform—New York State Constitutional Amendment in 1894—spreading over the country—prisoner worked efficiently—return to the state—support wife and children. New devices of business—choice of the disposition of the wage and the choice as to the type of labor. Slave system given up—free system of labor adopted.

"Will you buy me, Sah?" asked a boy convict in an Alabama convict camp, when approached by the writer. "Won't you buy me out, Sah?" he reiterated to the rejoinder, "I'm not buying niggers." "It'll only cost you \$20, Sah, an' I'll work fer you as long as you say. I'se fined \$1.00, Sah, and got \$75 costs. I'se worked off all but \$20. Do buy me out, Sah, please do."¹ The wail was raised by a small boy of fourteen years, with black skin, in a particular camp, yet the appeal is the appeal of many thousands who from want, disease or evil environment have passed for a time out of our world into the hell on earth which we, in our wisdom, have prepared for them; the appeal recognized the real economic status of our penal system.

The status of the convict is that of one in *penal servitude*²—the last surviving vestige of the old slave system. With its sanction in the common law, its regulation in the acts of legislatures, and its implied recognition in the Constitution of the United States, it continues unchallenged and without question,

¹Banner Mine, Alabama, May 1911.

²American and English Encyclopedia of Law—1898
vol. 22—p. 1302.

as a basic institution, supposedly necessary to the continued stability of our social structure.

Slavery was conceived as necessary to the stability of society until it was done away with. The world progress has been said to be based upon the conquest of the weak and uncivilized by the strong and supposedly virtuous.¹ Plato could depict no state of ideal justice without a slave class.² *Justice to-day can conceive of no state without penal servitude*, yet those same forces which overthrew the black slavery of a generation ago are to-day tending unperceived³ to limit and to change this penal form of slavery till it too may soon be considered with the historic past.

The changes which are destined to come in the institution of penal servitude must inevitably be based upon that great changing mass of conditions which has so far shaped the form and tendency of this old institution. Its history can best interpret its true economic status to-day and form a basis for that more conscious evolution which is to follow.

Economic history in its dealing with human motives points to the underlying economic motive in all development. To trace anew that field is unnecessary. It is sufficient to point out that the *economic value of the labor of the wayward individual has directly affected the methods of punishment*. The economic need of a slave class substituted the *galley* and the *mine*, for banishment and the death penalty. Crime destroyed the status of citizenship, or the protection of the group; slavery substituted another status in which the offender's life could be lived. It was only the overthrow of feudalism and the coming of modern times that made necessary a differentiation between the control over the serf and the control over the penal slave. Feudalism needed no other sanction for the control of the wayward than it already exerted over its own serfs—the central government which took its place as the controlling force had to face the problem from a different angle.⁴ The economic value

¹Hobhouse, L. T., "Morals in Evolution," p. 79.

²Plato, "Republic," Bk. II.

³"Labor Legislation of 1911," *The American Labor Legislation Review*, vol. 1, no. 3, p. 123.

⁴Hall, A. G., "Crime and Social Progress," p. 222.

of the criminal to a state that had no serfdom to exploit became as nothing, and *in the time of economic distress* that ensued the *hangman was the most convenient agent* to rid the country of this dangerous, lawless element. The line of cleavage between the landless man and the outlaw lay confused through all this period. The sixteenth century in England saw the government's assumption of control¹ over the wandering class and the attempts to make rules and regulations which would confine the itinerant laborer within the jurisdiction of the state, while the courts defined his every act. Control proved ineffective without agencies where for refractory cases discipline could be administered. The almhouse and workhouse came as a result—the able-bodied beggar was forced to work and if he would not work his wayward career was inevitably terminated by the hangman. The system had little more than taken form when *the economic demand for colonists for America*² brought another substitute for the hangman and relieved the government of any special need for controlling the mass of unemployed. Boat loads of these white convicts came to America to be exchanged at the wharf for the price of the passage and a profit to the contractor who delivered them to serve as slaves to the earlier colonists who possessed them for a series of years. Many of these slaves served out their time and lived on in the community in which they were landed. Those with vicious tendencies soon broke away from their new masters and made for the western country—thus as substitute for prison America served England for years. This mild method of reform was to provide new opportunities and new environments with the hope and assurance of speedy development through thrift to economic independence and even wealth. Not only in Ogelthorp's colony,³ but in all the colonies, reformation was the natural process. Just how much evil resulted from this system is hard to determine, but it is probably open to question whether the colonists would have protested against the deportation of criminals from England

¹Aschrott and Preston-Thomas, "The English Poor-Law System," p. 2.

²Fiske, John, "The Dutch and Quaker Colonies of America," vol. II, p. 286.

³Fiske, John, "Old Virginia and Her Neighbors," p. 334.

if they had not found it *cheaper to secure the type of labor they desired from Africa.*

With no place to put convicted criminals and no system for working them, the countries of Europe were face to face with a great problem.¹ Naturally they turned to the workhouses and the small jails which they had used for detention before deportation and found them crowded to overflowing with *idle convicts*. It is these conditions which John Howard found *in England*² and on the continent; it is these conditions which Jeremy Bentham tried to provide for in his Panopticon³; it is these conditions which Elizabeth Fry⁴ ameliorated at Newgate. Work, *productive work*, was the solution of Elizabeth Fry and also of Bentham—Mrs. Fry organized it under private charity; Bentham pointed out the advantages of the convicts' *sale to private contractors*. The opening of *Australia*⁵ substituted a *new field* in which another economic use could be found for the convict.

The Colonies not only had convicts sent them, but naturally had wayward of their own. The method of the frontier was crude; the unwritten law provided for many cases. In the more refined communities ducking, stocks, pillory, branding, and the whipping post were the more common forms.⁶ Hard labor was not unknown, especially in the payment of fines which in many cases were worked off in servitude similar to that of indented servant-convicts. The open country proved a refuge for most criminals, so the problem did not present any real difficulty until the time of the Revolution. A few years previous Connecticut had conceived the idea of huddling the few convicts that she had into the underground caverns at Newgate⁷, while in New York⁸ the old hulks in the bay were used for the same purpose. The

¹Hall, A. G., "Crime and Social Progress," p. 225.

²Howard, John, "State of Prisons."

³Bentham, Jeremy, "Panopticon."

⁴Fry, Elizabeth, "Observations on the Visiting, Superintendence and Government of Female Prisoners," pp. 48-53.

⁵Encyclopedia Americana, vol. 11.

⁶Wines, E. H., "Punishment and Reformation," Ch. V.

⁷Edwards, A. M., "The Labor Legislation of Connecticut," p. 220, *Publications of the American Economic Association*, vol. VIII, no. 3.

⁸Dandridge, D., "American Prisoners of the Revolution," p. 192.

outbreak of the Revolution found in army service a new line of work for the criminals, while their place was taken by prisoners of war. The prison ships at Wallabout marked the depths of wretchedness that can be reached, and impressed upon the mind of the American patriots the horror of prisons.

The demand for cheap labor, brought about by the introduction of machinery, which produced the *industrial revolution*, provided a new industrial use for the convict. The movement which in England took the *children* from their homes, almshouses and reformatories to be ground to pieces in *mills*, found its check at the hands of Shaftesbury¹ and Owen² in the government's control of these unfortunates.³ The same movement found a similar expression in the United States, where for almost a century the state has been increasing its power to protect the child from exploitation.⁴ What befell the helpless child befell in like manner the helpless convict, yet in old England the economic demand for colonists for Australia vied with the demand for cheap workmen. In the United States, and especially the original thirteen, the *pressure for workmen* came with full power upon a condition of things which made the exploitation of the convict well nigh impossible to prevent. The humanitarian idea, which rebelled against the infliction of the death penalty for slight cause, vented itself as strenuously against the inhuman methods of huddling the offenders, old and young, insane and sick, male and female, into a den amid conditions like those John Howard condemned. Furthermore it protested against the idleness and wantonness of these places and blamed the state for its failure to suitably provide for these wretches. An *impoverished state*, endeavoring to provide for the development of its schools and charitable institutions, was forced to follow the line of least resistance and *sell its convicts*, old and young, to the industrial avarice of the times, in the hope that out of the returns

¹Hodder, Edwin, "The Life and Work of the Seventh Earl of Shaftesbury, K. G.," Ch. III.

²Lloyd-Jones, "Life, Times and Labors of Robert Owen," pp. 146-154.

³Report of Parliamentary Committee on Children in Factories—House of Commons, 1832.

⁴Whitin, E. S., "Factory Legislation in Maine," p. 26. *Series History, Economics and Public Law, Columbia University.*

it should receive it might *build institutions* of an enduring type for its dependents as well as its delinquents, and pose before the world as the example of institution building which could be followed by reformers across the sea. Despite the grandeur of our penitentiary system, the exploitation for private gain of its inmates has continued, so that while the state has slowly but surely come to control the industries of its children¹, the control of its convict industries is still a new thought in many states to-day.

The earliest prisons in the United States were privately owned. The state paid a small sum for the keep and guarding of the prisoners whom the private individuals worked at their own discretion, deriving from the work what profits they might.² We next see the head of the penal institution appointed by the state but paid by individual manufacturers for whose profit he worked his prisoners.³ The placing of the warden upon a salary basis under the state⁴ and the refusal to allow him to participate in the sales and profits of the labor of the convicts has followed in many states. The warden has become the state's representative as guardian of the prisoners, while individual manufacturers vie with him in the control of the institution and endeavor to secure as large an output from the prison shops as possible, for which they endeavor to pay as little as possible. This condition prevails in many states to-day—in others the functions of the state and of its representative the warden have grown until the warden has become the manager of the great prison industrial plant,⁵ having under him industrial foremen and mechanical assistance of such character as is necessary to produce efficient and comprehensive management. In some states the function of the warden has extended to the sale of the commodities and his agents go

¹National Child Labor Committee—Pamphlets issued during 1905-1912.

²Eaves, L. C., "California Labor Legislation," p. 351. *University of California, Publications on Economics.*

³This system is still (1912) in vogue in some Alabama convict mines.

⁴Edwards, A. M., "The Labor Legislation of Connecticut," p. 235. *Publications of the American Economic Association, vol. VIII, no. 3.*

⁵Superintendent of Prisons, New York State, "Annual Reports."

up and down the state exhibiting their wares, getting orders for the future delivery of goods, and even providing for the installation of the articles manufactured.¹ Such has been the *development of the function of the government* in its connection with the prisoner during the last twenty years. It finds its expression in one form or another in every state.

Organized labor with its long and persistent agitation against the unfair competition of convict goods upon the open market probably has been *the strongest force* toward the development of the state's function in the care of the prisoner. As the control of the state upon prison industries has become greater, the power of labor to restrict them through control of the state legislatures has also become greater, and the history of most of our states shows that, when labor is once aroused to an antagonism to any specific form of commodity manufactured in prison, sufficient influence can be brought to bear to abolish its manufacture.

The competition complained of by organized labor will be fully illustrated in Chapter IX. This opposition to unfair competition forced labor to a *program of constructive reform*² for employing the convict. In the *New York State Constitutional Convention of 1894* the labor unions secured the passage of a "state use" regulation providing that the labor of the prisoners should not be sold or leased but that the state should produce those things which the state could consume. This movement started in New York is *spreading over the country*. Of the legislatures that met in the year 1911, twenty-one³ made some provision for the state's assumption and operation of its industries, while eight provided in some manner for the state's consumption of manufactured articles and six established laws for the regulation of prices and the standardization of the commodities manufactured. Like New York, five—California, Missouri, New Jersey, Ohio, Wyoming—provided for the state's produc-

¹Minnesota State Prison, "Report 1909-1910."

²Lincoln, C. Z., "Constitutional History of New York State," vol. III, pp. 247-297.

³"Labor Legislation of 1911," *The American Labor Legislation Review*, vol. I, no. 3, p. 124.

tion and consumption of the goods upon which the convicts labor. The feeling is abroad that it is the state's duty not only to provide labor for its convicts, but labor of such character as in no way to penalize free labor and the free artisan; that, though the *prisoner* should not be exploited for private gain, he should be *worked efficiently* so that he may *return to the state* the full amount of his cost to it, and, by the sweat of his brow, *support his wife and children*.

The economic forces have, as we have seen, tended to shape the form of punishment for our criminals. It was natural in the period of individual competition and the exploitation of the weak by the strong that these weaklings of the race should have been exploited and made as slaves; likewise in the age of great industrial corporations it is but natural that the state itself should grow into a great industrial corporation, and taking advantage of the many *new devices of business*, exclude the waste from its management. The overcoming of waste brings the demand for industrial efficiency—the efficiency of the convict slave, which is industrially demanded, promises a new development, destined to strike at the very basis of the slave system itself. Universally the contractor who hires the penal slave for exploitation, claims for the production of efficiency and industrial advantage he must be allowed to task his slave and pay him wage for work over the stint. The state when it employs the convict finds necessary this same economic principle and adds to it in some few instances *the choice of the disposition of the convict and the choice as to the type of labor*.¹ Verily a new day dawns. Its significance as an evolution “up from slavery” was never better expressed than in the prophetic words of the martyred Lincoln when he said:

“Free labor has the inspiration of hope; pure slavery has no hope; the power of hope upon human exertion and happiness is wonderful; the slave master himself has a conception of it, hence the system of tasks amongst slaves; the slave whom you cannot drive with the lash to break seventy-five pounds of hemp on a day, if you task

¹Acts of Nevada, 1911—c. 71.

him to break a hundred and promise him wage for all over, he will break you one hundred and fifty. You have substituted hope for the rod, and yet perhaps it does not occur to you that, to the extent of your gain in the case, you have given up the slave system and adopted the free system of labor."¹

¹Lincoln, Abraham, "Slavery—A Fragment Written About July 1st, 1854," *The Century Edition*, p. 16.



"Its dealings with the criminal mark, one may say, the zero point in the scale of treatment which society conceives to be the due of its various members. If we raise this point we raise the standard all along the scale. The pauper may justly expect something better than the criminal, the self-supporting poor man or woman than the pauper. Thus if it is the aim of good civilization to raise the general standard of life, this is a tendency which a savage criminal law will hinder and a humane one assist."

*L. T. Hobhouse, "Morals in Evolution,"
Law and Justice, p. 113.*

PART II

THE POLITICAL PROBLEM.

CHAPTER II.

THE SLAVER.

The Human Problem.

He's a jolly fellow, this Slaver! If you live in Syracuse you won't deny it; if you live in Liverpool, N. Y., you can't afford to. Outside the limits of Onondaga County, probably very few have seen this big burly fellow, felt the weight of his fist as he grasps your hand, or heard the ring in his laugh as he assures you, "No jury in the county will dare bring an indictment against me no how." He means it too, the same as when he tells the citizens of his little pocket borough in Liverpool, "I'll damn the man who talks against me. I'll break him or jail him." It's not a vain boast either, owning as he does mortgages which cover most of the town of Liverpool, while controlling its one real industry, basket-making—he is the industrial dictator. Then as sheriff he can make a scoop once in a while and few men living have not violated some obsolete statute. "These folks look on me as a benefactor," remarks this regeneration of Bill Tweed. "I take care of the boys," which means that any enthusiastic young fellow who appears in the community is immediately found a job in some Western town where his independence will be appreciated. Independence is absurd, so absurd that there dwells in the town only one old man whom Fred Slaver cannot control, a queer man who will not accept a political job or even be begged into loyalty to the present town authorities. With unpaid notes over his head, held by this local political boss, which cannot be met, with few to console and lots to condemn, this daring reformer has not hesitated to appeal through the press to the people of Onondaga County and through official channels to most of those in positions of power at the Capitol at Albany.

The insurgent movement throughout the country will duplicate this struggle at Liverpool, but probably nowhere are the lines more closely drawn and the struggle more imbued with human inter-

est or the principles involved more fundamental. To understand the comedy we must go back fifty or sixty years when in the quaint little town of Liverpool there settled a number of Germans one of whom was named Dicker. Dicker came from a German town where basketry was the common occupation. Finding that willows grew on the shores of Lake Onondaga, he soon started to make baskets for his own use. On being offered money for the baskets he made, he became aware of a market for them and began to peddle them about to the farmers of the district, receiving from them milk, butter or eggs in return. The industry was taken up by other villagers and Dicker soon was kept busy supplying willows to his neighbors and in seeking a market for their work in other communities. In this business he allowed other people of the town to share, but gave special privileges to the members of his own family, one of whom, Fred. Slaver, finally became his partner. The business grew and Liverpool became the national centre for the production of clothes baskets. As the industry developed competition between their baskets and imported baskets, charges against smuggled goods and avoidance of the tariff provisions enraged the little community. Slaver and Dicker "studied the problem" and learned that the Austrian Government had voted \$250,000 a year for a period of five years to be spent in the encouragement of the basket industry in Austrian penal institutions. The national custom regulations forbade the entrance of these convict made baskets, still the vigilance of the federal government did not seem to abate the evil. The market was undersold—Dicker could get no profits. Gradually the thought came to him that the way to get around the Austrians was not to fight the Austrians but to follow their example. Why not have his willows stripped at the Onondaga Penitentiary? One night, reading in a paper, 'tis said, an extract from the constitution of New York State which provides for the manufacture of convict-made goods in the prisons of New York, but restricts their sale to institutions of the state and political divisions thereof, the suggestion came to him that there was probably some way of "getting round the constitution." His partner, Slaver, was a political factor in the town, being in control of the dominant party. The phrase "the state and political

divisions thereof" impressed Fred Slaver very much though to this day he refers to it as "the state and its Republican divisions," the terms being interchangeable in that part of the country. Through Slaver's influence a resolution was introduced into the Town Board of Salina, the town in which Liverpool is located, to the effect that the town-poor peel willows, and whatever they could not do be let on a contract to the Onondaga Penitentiary. So Fred Slaver will tell you if you give him a chance, his memory being more exact than the scribbled-up books of the town; but at any rate some ten years ago the Town Supervisor, being a member of the Board of Supervisors and having control of the penitentiary, got the tip and entered into a contract with the penitentiary in the name of the town of Salina. The officials of the town and penitentiary signed and confirmed it, having been assured by eminent counsel that, while it was getting round the constitution, they were not criminally liable because "the town is a Republican division." Fred Slaver immediately became agent for the town—what an agent of a town is you must ask Slaver, the eminent law-makers having failed to insert it in the list of town officers, but that was their fault and with their faults Fred Slaver had not a thing to do. Furthermore the law-makers having forgotten something essential, suggested the desirability of the Town Board also forgetting what was equally as essential—that reports and checks, accountings and disbursements of their honorable Agent be made note of in the accounts of the town. Slaver was agent, the next year he was supervisor. How could anybody question his right to pay for the business of the town either in check or cash, to say who should send the willow to the penitentiary to be stripped and who should go without, to regulate the commission of the honorable Agent, to arrange freight rates and even hire an instructor for the convicts at the penitentiary?

Once they did take recognition. The solemn occasion was when the Town President, the Treasurer, and Justice, all having their feet up on the stove in the front room of the smaller of the two saloons in the town, all together spat into the stove and resolved that the Town President should inquire of the Agent

whether he was doing justice to all the poor—but then no record of this was recorded in the minutes of the meeting, the meeting having adjourned before they spat. The good brother didn't get far with his report for, while the town is poor, the amiable persons who are on the poor rates are only veterans of the party when political jobs give out. The rest of the poor folks enjoy the proud distinction of being allowed to work on the baskets, not eight hours, not ten, but twelve, thirteen, fourteen, fifteen, sixteen—well I mustn't go on because you won't believe me, but you ask these good folks and they'll go on still higher enumerating their blessings. Then the children are allowed to work and the work being done at home there is no factory restriction—the baby of three does what it can while it sucks the end of the willow; the old blind grandmother tells her beads with a turn of the basket. All combined they are thankful to make \$2.00 a day which the careful housewife parcels out in small installments so that they may eke out a humble existence and pay the interest on the mortgage. Fred Slaver owns the mortgage, together with the willow which he buys in outlying counties. The finished baskets he sells at wholesale in the Western States. The wages he sets, likewise the interest on the mortgage, according to his feelings. No labor union restricts his lowering of the wage.

His is the power not only of the lord of the manor but, as sheriff, of the imperial authority of the state. In the ten years which have passed since the humble Dicker schemed a way around the constitution and died in the effort, Fred Slaver has drawn the political lines so close that the whole country found necessary a recognition of his zeal. Sheriff of Onondaga County, hail! Elected by the will of the Sovereign People, while receipts for his sovereigns are carefully filed away in his fire-proof safe. These receipts for votes bought and delivered, you may see if some night you are alone with Slaver, but alone you must be, for he will assure you, while they are spread out before you and you touch them with your hand, that in fact you do not see them, and that if you testify in court he will swear you have not seen them—such is his assurance of himself. Now not only



CHILD LABOR THE RESULT OF PRISON LABOR—LIVERPOOL, N. Y.

See page 14.

little Liverpool does him homage, but behind his big roll-top desk in his handsome office in the county buildings at Syracuse, he is able to look the world in the face and with pride tell you how his fellow citizens worship and obey him. On his breast shines the sheriff's golden shield with its one solitaire, presented amid the flowing bowl on a star-light night of April in the little saloon in Liverpool, down where the brothern spat upon the stove and dared to appoint a town president to investigate him. Should the dazzle of the diamond divert your attention from his open face and you forget yourself enough to ask by what legal authority he acts as Agent for the town of Salina and pockets the profit, he'll tell you plainy, "Now if I've done anything wrong I'm willing to do my time—if you can get any jury to convict me. Of course I make the profits—what do you think I'm in business for, my health? When I got to be sheriff I just got my brother Alfred into the business and they call him agent, but yet you know it's my business, Slaver & Co., that's me; and just think of those folks out in Liverpool; they just worship me; they'd starve if I left 'em. See here's a petition; they all signed it. They're not fools enough to cross me. I'm all one with them, just Fred with the whole bunch." Such is the talk which more than one investigator sent from Albany as a result of the charges made by the one fool insurgent has listened to and all of them enjoy it along with the cigars and easy-backed chairs for in truth—Fred is a jolly good fellow.

"The work at the penitentiary, Lord bless my soul! of course you can see it and do some of it too, if we run short of a supply. Just tell Makhell that Fred said so, that's enough." What better authority can you ask for an investigation of the penitentiary than that Fred Slaver said so. Set like a monastery on a hill, the Onondaga Penitentiary welcomes its visitors with the announcement in big letters on a placard: "Admission 25 cents for adults—15 cents for children," yet the visitor must not take this as applying to everybody alike—convicts pay different rates. Little George, a convict, fourteen years old despite his innocent face and lisping voice, had to take twenty-eight cents to get in. The justice couldn't have taken him for an adult and probably

hadn't even seen the sign, but then the boy was too frightened to tell his age and the justice poor at guessing—justice is said to be blind. Now the sign gives no idea of what you will find inside; small George hadn't any idea either. He was going down street with a big fellow one morning and the big fellow as George expresses it "happened to see the money lying on the top of a milk bottle and just took it; then we got pinched. We only took twenty-eight cents, me and him, but we both got in here." The one good thing about the inside is that George gets the milk now that he didn't get that morning on the outside. You see the warden says he's too young to chew tobacco and he takes his out in milk—a bit of emotional kindness on the warden's part which has distinguished him in absent-minded moments. Besides this milk, young George gets a full supply of all the microbes, both mental and physical, which naturally drift round in an atmosphere of two hundred and fifty bums, white and black, red-nosed and sallow, epileptic and insane. When out of his cell which is modern and as model as anything as barbarous as a cell can be, George sits with the men in one of the long rows in the workshop, stripping, stripping, stripping with a pile of willow before him, his nimble fingers breaking the coating from off the willow with great rapidity, while in a low voice he asks the ways of the wise from a companion who has just returned for the tenth time. The big hall smells of wet and drying willow which is a great improvement over the smell of human beings which it drowns out. In the corner there is a long line of men sitting with lather on their faces, a proposition George is too young to enjoy. Out of the same mug, with the same brush, the lather is spattered by one convict upon the face of another, often in his mouth, while an ugly looking fellow with a shavy head follows round with a big razor and a basin. Thus the monotony of the day is broken for all save George and a dozen more who approach somewhat nearer to his tender years. George gets his milk from the state, his clothes are likewise of the gray shaggy material bought in quantities by the state, his food is supplied, his life ordered—everything save a wholesome environment is provided by the state. His poor mother and little

brothers are in need of his wages; how fortunate it is that during the long hours of the day he can work and send them aid! "Warden, how much does this boy send his family a week?" "Nothing!" "Do you allow him to waste it?" "No wages, then the state gets the profit?" "You say it costs more to keep these chaps clothed and fed and the prison run than you can get for their labor, working long hours. Who makes the profit then?" "You have a contractor, Fred Slaver, eh? It is natural you don't know what he makes—Slaver's a good business man. Let's see the contract; maybe it will say something about the poor—I think George's mother must be poor."

The warden and his staff are business-like and exact, contracts filed, receipts and vouchers saved. In due and legal form the contract between Fred Slaver and the Onondaga Penitentiary sells the labor of the convicts through the working hours of the day at the rate of \$9.00 for each carload of willow stripped. It was this contract against which complaint was lodged with the governor and the state officials; it was this contract that was exhibited with the consent of the honorable Fred when one after another the official investigators began to dig and delve into the question why George wasn't making his keep and his mother and brothers were left destitute while he was at work on willow, while in the town of Salina men, women and children worked at starvation wages and many a stripper went without work altogether.

The contract was said to be in violation of the constitution. The attorney general asked for sworn testimony. In the hearings that followed this request there gathered together in the court house at Syracuse all the factors in this picturesque little drama—all except George; he wasn't asked. About the long table were grouped the attorneys for the town and county, the counsels for the sheriff and the inquisitors, the officers of the penitentiary and the quaint long-bearded old fellows who are the officers of the town. When all had been heard, by a chance some pencil marks on the bills of payment were noticed. The inquisitor shot one question after another, finally out of a pocket of the warden's coat was drawn a little slip of paper on which were written a few

clear lines providing that one-third of the amount paid to the state by Fred Slaver be returned to him as rebate. The counsels grew red in the face, the sage attorneys walked the floor, the old villagers coughed and looked at each other—still Fred Slaver was not abashed: master of the situation as he had always been he answered questions put to him to the last, and head in air walked out of the room with a smile which signified what he had said so many times "If I'm guilty, I'll do my time—that is if there's a jury in Onondaga County that will indict me."

Beyond the court house the news has spread, yet still the people in the town of Salina are working their lives out for Sheriff Slaver and the boys at the penitentiary like George are without hope of reward either for themselves or their families for they are still within the clutches of a man named Slaver. The end is near; all Onondaga is excited. The jolly faced lord of Salina has made good his boast—no jury need indict him—for the Governor has assumed jurisdiction and proved that justice can prevail even in a political division of the Empire State of New York.

*The Hearing at the request of Governor Dix before Judge DeAngeles of the Supreme Court revealed the sworn testimony of which this account is but a connected narration. Mr. Alfred Merrill, Deputy-attorney General of New York State, to whom credit is due for the strong presentation of the case of the people which led to the Sheriff's removal by Governor Dix on Feb. 8th, 1912, is authority for the accuracy of the presentation of facts. Names are changed to conform to the policy of the book.





"I know not whether laws be right,
Or whether laws be wrong,

All that we know who lie in gaol,
Is that the walls be strong,"
"The Ballad of Reading Gaol," by C. 3. 3.

CHAPTER III.

CONTROL.

The control exercised by the state—party politics directly affect the control—personal element must give way to administrative machinery. Popular control lacking. Powers of supervision and control—three kinds. Development of the central board and the position of warden the sign of progress. Power of the warden—limitations by contractual relations—warden a czar—may nullify orders of chaplain or doctor—warden lives upon the institution—supreme paternalism—requires an educator rather than a politician or moralist. Reform in centralized authority—responsibility definitely located.

County and municipal penal institutions outside of centralized control. Practical constructive scheme coordinate with the state system.

The general control exercised by the state over its convict slaves is a matter which the framers of the constitution of the United States left to the states themselves and is regulated by state constitutions and legislative enactment. The administrative machinery through which this control is exercised differs in each of the states, following in the most part local conditions and local customs. While these differences prevail the comparison of one state with another regarding the efficiency of management is well-nigh impossible, yet we may generalize in several particulars in a way that will not be untrue to the facts in any particular case.

That *party politics directly affect the control* of the convict laborer to-day is one of the generalizations which can be deduced from a careful study of the different methods involved in the different states. The governor bears the direct responsibility for control in forty-five states; out of these he appoints the board which controls in thirty-five states, and is a member in eighteen states. Officers appointed by him upon such commissions as the railroad commission, or as commissioner of agriculture, or of public buildings and institutions, serve on twelve boards. The senate must pass upon his appointments in seventeen states, but this limitation in most cases affects more vitally the personal action of the governor than the dictates of party. Members of the council, the secretary of state, treasurer

State Control of Prison Labor.

Derivation of Power	Manner of Selection of Board	Ala.	Ark.	Cal.	Colo.	Conn.	Del.	Fla.	Ga.	Ida.	Ill.	Iowa.	Kans.	Ken.	La.	Me.	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.				
Governor	Governor, ex-officio		1	1	1		1	1		1		1				†	1				1	1					
	By direct appointment	3		5	4	7					9	3	3	3	3	†	3	5	3								
	By indirect appointment		†	†	†		†				4					9*				4							
Council	As Secretary of State			1				1	1							†							1				
	As Treasurer							1		1						†	†	x				1					
	As Attorney General			1				1	1		1					†	†	x			1	1					
	As Auditor		1	1				1								†	†	x			1	1					
	By consent	X														X		X									
Senate	By consent			X	X	X				X		X	X						X								
Assembly	By nomination and election											1	3														
People	By direct vote							3																			
Total Number of Board		3	3	5	5	6	7	1	6	3	3	9	3	4	2	3	3	3	5	13	3	9	5	3	5	3	3

* Commissioner of Mines, Manufactures and Agriculture.

† Secretary of the State Board of Charities.

‡ Commissioner of Agricultural.

§ Board of Penitentiary. † Board of Reformatory.

¶ Supervision. † Inspection.

x Board of House of Correction. • Board of Penitentiary.

‡ Railroad Commissioners.

State Control of Prison Labor.

Derivation of Power	Manner of Selection of Board	Neb.	Nev.	N. H.	N. J.	N. Mex.	N. York.	N. Car.	N. Dak.	Ohio.	Okl.	Ore.	Pa.	R. Id.	S. Car.	S. Dak.	Tenn.	Tex.	Utah.	Vt.	Va.	Wash.	W. Va.	Wis.	WY.
Governor.....	Governor, ex-officio		1	1							1	1			1				1						1
	By direct appointment.....	*1		2	5		5	3	4		1	10	9		3	3	3	3	3	3	5	4	5	5	1
	By indirect appointment.....			13	11					1											1				12
Council.....	As Secretary of State.....	1	1	1						1															1
	As Treasurer.....	1	1	1																					1
	As Attorney General.....	1	1	1																					1
	As Auditor.....			1																					
	By consent.....					X	X																		
Senate.....	By consent.....			X			X					X	X	X	X	X	X	X	X	X	X	X	X	X	X
Assembly.....	By nomination and election.....													5											
People.....	By direct vote.....																								
Total Number of Board.....		4	3	5	5	5	11	5	3	4	3	1	X 5	9	6	3	3	3	3	5	3	5	5	5	5

* Commissioner of Public Lands and Buildings.
† Commissioner of Charities and Correction, Warden State Prison, and Superintend Reformatory.
‡ Board of Classification.
§ President of the Board of Agriculture.
x Board of Eastern Penitentiary; Board of Western Penitentiary.
‡ Board of Corrections.
‡ Commissioner of Public Institutions.
‡ Superintendent of Public Instruction and Warden of the Prison.

attorney-general, and auditor, are represented in fourteen other states, while five states require the council's consent to the governor's appointment. Finally the assembly, or rather the majority of the assembly, appoints the members of the board in Kentucky and South Carolina, and the people at general elections elect them in Georgia. The restriction upon this exhibit of methods of partisan political appointment is found in the requirement in four states that bi-partisan boards be appointed—a supposed remedy, which, in fact, simply ensures the perpetuation of the professional politician to the exclusion of political and social reform of all types. Where, through the wise exertion of executive power, the controlling of the penal institutions has been taken entirely out of politics by the appointment of men whose sole interest is the perfection of administration rather than partisan advantage, a control of a superior type has been possible, but such appointments are necessarily of short duration when the spoilsman retains a legislative guarantee for the perpetuation of a partisan system. How to lift this control from out of the grasp of the spoilsman will be considered later, suffice it here to state that through politics, and through politics alone, can any change in the policy of control of convicts to-day be attained. Upon what elected representative of partisan interests the responsibility rests in the different states is shown in the diagram on pages 20-21.

A second generalization may be found in the fact that while in sparsely settled communities like Oregon the governor can give his personal attention to the supervision of prisons and control of the prisoner, as the duties of the governor increase with the increase of population, he tends to delegate this power at first to inspectors who work directly under him, then to boards over which he is a nominal head, and finally to boards which act independently of him. Thus it seems that the *personal element must give way* in more densely settled communities to *administrative machinery*.

Popular control in counter-distinction to political control is utterly *lacking* in connection with the administrative machinery of our penal system. While Georgia elects its prison commissioners once in six years, there are few persons cognizant with

the political history of the state who would contend that commissioners elected on a long ballot would be directly responsive to the popular will. The movement to secure the popular will in connection with judges, known as the recall, finds no counterpart in connection with the administration of that second half of justice, the punishment of crime, and regarding the administration of which there is scandal heaped upon scandal.

The *powers of supervision and control* that may be exercised over the different institutions and their official heads are of *three kinds*—inspectors, supervisors and boards of control.¹ The first group investigates and reports; the second investigates and makes suggestions; the third manages. These three types vary in proportion to the policy of centralization or decentralization prevailing in the state—the extreme type of centralization being found in the extension of the powers of the board of control over not only the penal, but the charitable and other eleemosynary institutions both of the state and the subdivisions of the state, to which are added the powers of audit and supervision over the buyers for all the state, county and municipal departments.

As the administration and control departs from this centralized type of organization, the power of the warden and head of the institution increases in proportion in relation to the state and most often decreases in proportion in regard to actual responsibility for the convicts. We have already noted the development of the position of warden from that of an individual manufacturer or his employee to that of a state official, and have noted the growth of this tendency in response to the growth of state control—such *development* on the part of *the central board and the position of warden* seems therefore to be *the sign of progress*.

The *power of the warden* is hedged about by the powers of the board that is over him and the *limitations* placed upon him by *contractual relations* with individuals who have hired the use of his convicts together with buildings and appurtenances. The legislatures of some states have in specific instances given him definite powers and placed limitations upon him regarding

¹Fetter, Frank A., "State Supervision and Control," *Proceedings National Conference of Charities and Correction*, 1909, p. 307.

punishment,¹ the use of the institution moneys,² the type of assistants appointed,³ and his participation in the profits of corporations dealing with the institution. Such restrictions are exceptional and in most cases the common law of public officers has but few limitations. The usual policy of the board of control is to select a man in whom it has confidence and then hold him responsible for the institution and make only such regulations for his conduct as meet with his own approval or are instituted at his suggestion. Then *the warden*, or superintendent, within the confines of his prison is a *czar*, his word is law, his will is supreme. Toward his subordinates he has a position similar to that of the captain of a ship; he can require of them what is necessary for the safety of the institution, and in the carrying out of those regulations which he thinks necessary toward that end he can command the close co-operation of the *chaplain* and *doctor*, spiritual and medical officers of the institution, or he can *nullify their orders* and restrict their activity to conform to his own policy. *The warden lives upon the institution*, his personal wants are first to be satisfied; he usually has the use of a beautiful house connected in some way with the enclosure; his table is supplied with all the luxuries of the season from the prison commissary, prepared by prisoners often under supervision of an accomplished convict chef; convicts serve his meals and attend upon his wife and his children, anticipating their every want; the education of his children is in some cases delegated to convict tutors, while many of the details of running the institution are deputed to convict clerks, some of whom have executive ability surpassing that of the warden. All reports as to breaches of discipline and the work in the institution are made to the warden on which he is supposed to judge the prisoner, rewarding or punishing. These reports form the basis for the prisoner's release under indeterminate sentence. By the upright, conscientious warden these judgments are often based on personal knowledge of the convict with whom he is in sympathetic re-

¹Connecticut, Maryland, Massachusetts, Kentucky, etc.

²Indiana, North Dakota, Wisconsin, etc.

³North Dakota, Tennessee, etc.

⁴Arkansas, California, Colorado, Idaho, Nebraska, etc.

lation. In the *supreme paternalism* which exists rest infinite possibilities for the real education and development of the convict toward a better and more useful life, and the consummation of all the evil which human nature can foster up in response to the brutality of the tyrant. They are the ever present forces existing under any slave system in the relation between the master and the slave. Where the position is merely one of politics, the warden becomes a gentleman of leisure, his routine being performed by subordinates and the convicts themselves—such a sinecure is the easy mark for the spoilsman.

Naturally it is difficult for the warden, whether he be a beneficiary or a moral leader, to realize that he is called upon to supervise the prisoner in his labor. To develop an efficiently run manufacturing business or a scientifically conducted farm, and also to know that in his own use of the waste products of the institution he is teaching that supreme lesson necessary for the convicts' regeneration—the use of the wasted energies—*requires an educator rather than a politician or a moralist.*

Reform in penal administration today lies therefore in building up the systems of control more firmly on a *centralized* system of *authority*, so definite in its form, that *responsibility* for evil doing can be *definitely located*, and which by some method of recall can be made to respond to the highest standard of moral action upon which the majority of people in the state may agree.

*

COUNTY SUPERVISION.

County and *municipal penal institutions* have lain for a century *outside of* this movement for *centralized control*. The cry of local autonomy in the counties and cities has forced upon the legislatures the granting of local self government in general terms with the result that each county and city has had alike to assume the responsibility for the local penal system on the same basis as there was provided poor-relief. The theory seems to have been that because of the supposed restriction of the

county institutions to short-term cases, they could be cared for under a less exact system, similar it may be to the almshouse regulations except that the term should be a definite incarceration. Historically the able-bodied beggar became the criminal of the misdemeanor type; the rasp houses of Belgium and Germany¹ followed this idea, the poor-houses of England for some centuries were hardly distinguishable from penal institutions.² Where debt was a crime and the insane went to the almshouse and a man's family, including his innocent children went with him to the almshouse or the prison, distinctions were difficult.³ Though some centuries have passed, the distinction is still difficult to make clear to the local authorities, whether boards of supervisors, sheriffs or local courts, which control the destinies of these local institutions. While imprisonment for debt is outlawed, still the vagrancy which is the result of poverty is a crime. Relief from the town must be returned in many communities or the poorhouse is an alternative, and release from the poorhouse becomes impossible where all assistance is cut off. The withdrawal of the children, the sick and the feeble-minded and insane from the poorhouses has not as yet been entirely accomplished by the transfer to proper custodial institutions,⁴ and the removal of many of these individuals from the almshouse back into society practically necessitates a life of crime to make existence possible. In some communities the poorhouse and the workhouse are physically one—the inmates of the poorhouse doing what they can for the maintenance of the institution,⁵ assisted by the convicts on the supposition, which is often contrary to fact, that they are more able-bodied. Commitment of beggars and vagabonds to the workhouse to work off their fines may be justifiable as a method of regulation of vagrancy, but is not far removed from the older form of imprisonment for debt, especially where the dependent members of the convict's family are in the almshouse. Is it to be wondered that

¹Liszt, Franz von, "Die Gefängnisarbeit," p. 4.

²Poor Law Commissioners, "1st Annual Report, 1835," p. 30.

³Goldsmith, Oliver, "Vicar of Wakefield," ch. 26.

⁴Warner, A. G., "American Charities," Revised Edition, pp. 201-5.

⁵Johnson, Alexander, "The Almshouse," pp. 74-80.

PRISON LABOR CONTROL.

COUNTY CONVICTS.

BOARD OF COUNTY SUPERVISORS

Arizona	Iowa	New Hampshire	South Carolina
California	Kansas	New Jersey	Texas
Colorado	Maryland	New Mexico	Utah
Connecticut	Massachusetts	New York	Vermont
Florida	Michigan	North Carolina	Virginia
Idaho	Minnesota	North Dakota	Washington
*Illinois	Montana	*Ohio	Wyoming
Indiana	Nebraska	Pennsylvania	

COUNTY COURT

Arkansas	Kentucky	*Ohio	Virginia
Delaware	Louisiana	Oklahoma	West Virginia
*Illinois	Missouri	Oregon.	

SHERIFF

Nevada	South Dakota	Tennessee.
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STATE CONTROL

Alabama	Maine	Wisconsin.
Georgia	Rhode Island	

*Statutes permit control by both County Court or Board of County Supervisors.

the local authorities, elected from the type of untrained men who alone seek these offices, should be lacking in their ability to solve successfully this local problem. In five states a central state authority is given the power of inspecting or supervising these local situations; in the other forty-three states no power outside of the locality may intervene. See Chart 2, 27). That foreign penologists are demanding that the state directly control these county institutions, that foreign visitors are denouncing them as "pest-holes," is but natural. Central authorities must provide a practical constructive scheme of local development *en rapport* with the state system; then right-minded local authorities can be counted on to accept it without question.

Ruggles-Brise, Sir E. "In these days it is hardly too much to say that many of the features upon which called forth the wrath and indignation of the great Howard at the end of the 18th Century," *Report of the Secretary of State for the Home Department on the Proceedings of the Eighth International Penitentiary Congress*, 2, 3.

PART III
THE INSTITUTION.

CHAPTER IV.

THE LEACH.

The Human Parasite Who Feeds on Parasites.

"Hello there, Boss! Great institution that! Glad to see you again," he added as the driver of the institution's rickety conveyance reined up his horses at the signal of my audacious friend; a friend he claimed to be though I had never seen him before in my life; audacious—there was no doubt of that, and for some cause he was loquacious.

"Can I ride to town with you? I am an institution man myself. I can tell you more about institutions than would fill a book," and he was alongside of me. The horses started up of their own accord and we were off to town.

"Experience—why I've worked in no end of institutions. I've worked in five states. I'm a wise one if you are looking for one of that kind. Well if you know your biz I know mine, so there's a go," he rejoined as he followed me into the hotel and up to my room, without invitation and with the manner of a leach.

"I want a job and I want it bad," and he went on with a story of how his wife's brother's children needed his wife and they had to give up a big lunacy job. "What I want is a penal job. I guess you're that kind," looking at me hopefully. Getting an assent to his question he launched out:

"Now we're all alone I will talk on the level. You're a practical man and business is business. Now, I don't want to make much and will put you in right. My job is cook and I buy the stuff. Now, say you get the institution to pay twenty-five cents a day keep. I can feed 'em fer ten. A couple of cents apiece is good enough fer me, and you takes the rest—that's easy. Of course, it depends on what you get—I can keep 'em fat on ten—I did that when I was down in Rhode Island. But maybe you can only get eighteen—bad business;

you have to starve 'em to make a decent profit, but I can keep 'em alive on four—jest alive, you know. You have to keep 'em from the grump. You don't think I can do it, eh! Well, you see I know the big grocers—they fix it up with me. We arrange it all right. You don't have to do anything but o. k. the bills."

"You would not o. k. the bills! Well, you are a green one! You see you o. k. the bills for the whole twenty-five cents—that's easy. They couldn't get at you fer that. The goods come to me and I o. k. 'em as all right—and they are eat. Who's to tell what they are?"

"But the rake-off—you don't see where it comes in? You're a green one fer sure. It's as certain as day and legal—why, the Supreme Court couldn't bust it. Why, them goods the grocer people sells to me fer a dollar jest to make it good—they're mine. I sells 'em back to them and they sells 'em to the folks at the institution—you, you know. You buys the stuff all right. They pays me fer the goods I'm selling, the difference 'twixt what you're paying and what they ought'er cost. At the end of the month I settles up with you. You've got me—if I don't make good you fire me. I gets my salary and a few pickings, jolly the guys in the kitchen and whistles fer my living; and you—well, you're the swell guy—you looks fine an' swears it's all straight goods—so it is—damn'd if the law can touch it. You tell the folks it's all on the level—so it is, but the level slides your way."

With the promise to let him know the first contract I made to feed convicts at twenty-five cents a day he left me, remarking, "I'll wait on you doing something"—and he's waiting still.



THE EVENING SUN, BALTIMORE,
TUESDAY, JANUARY 2, 1912.

Prisoners Eat In Corridors



Picture presented in the annual House of Correction reports, showing condition condemned by Dr. E. Stagg Whitin, who investigated conditions at the State institution.

CHAPTER V.

MAINTENANCE.

To maintain the convict in reasonable health and safety is the first duty devolving upon the authorities under whose control he is placed. Leasing of long-term convicts in a few instances—short-term convicts in twelve states. Sheriff system universal—a private system in the guise of a public system. Maintenance labor reduces the cost of maintenance. The test is efficiency—standardization of positions and duties—careful selection of the man to fill the position—incentives, reward and wages—adequate reports and records. Convict labor used in construction work—up-keep—culinary and commissary—articles for use of institution—reclamation of articles. Band. Library. Bookkeeping.

A state superintendent of prisons in the state of New York was reappointed to that position by the governor, on account of his ability as an administrator of the prison system, proved by the undisputed fact that the maintenance of the prisoners in Sing Sing Prison cost the state less for the standard of living maintained than that of any other institution in the country. The investigation of the Commissioners to examine the Department of State Prisons caused his retirement because of defects in his administration, one of which was the transfer of a large item from the Sing Sing maintenance account for the year 1908—the coal account for \$14,000.00—to the separate and distinct industrial shop account on which no report was made to the governor.¹ The difference between efficient administration and mismanagement was here a matter of book-keeping, but in fact it is much more; it is based upon a thousand and one elements of which the public have today practically no way of gaging the real value.

To maintain the convict in reasonable health and safety is the first duty devolving upon the authorities under whose control he is placed. The maintaining of an institution for prisoners, whether it be a bastille, or open camp, presupposes limitations

¹Hearing before the Commissioners to Examine the Department of State Prisons at Sing Sing Prison, New York State, April 13th, 1911.
As reported in the New York Herald, April 14th, 1911.



regarding the prisoner's egress and the public's invasion, together with shelter, a minimum of food and clothing. To supply these, the state in its poverty at times has to follow methods which as it grows in wealth and strength are superseded. It has already been pointed out (page 6) that there has been a growth from lease to state control, from the contracting out of the maintenance to the state's assumption of its full responsibility.

The *leasing of long-term convicts* has ceased except in a few instances in those Southern states which have not entirely recovered as yet from the reconstruction period. (See map, p. 32.)

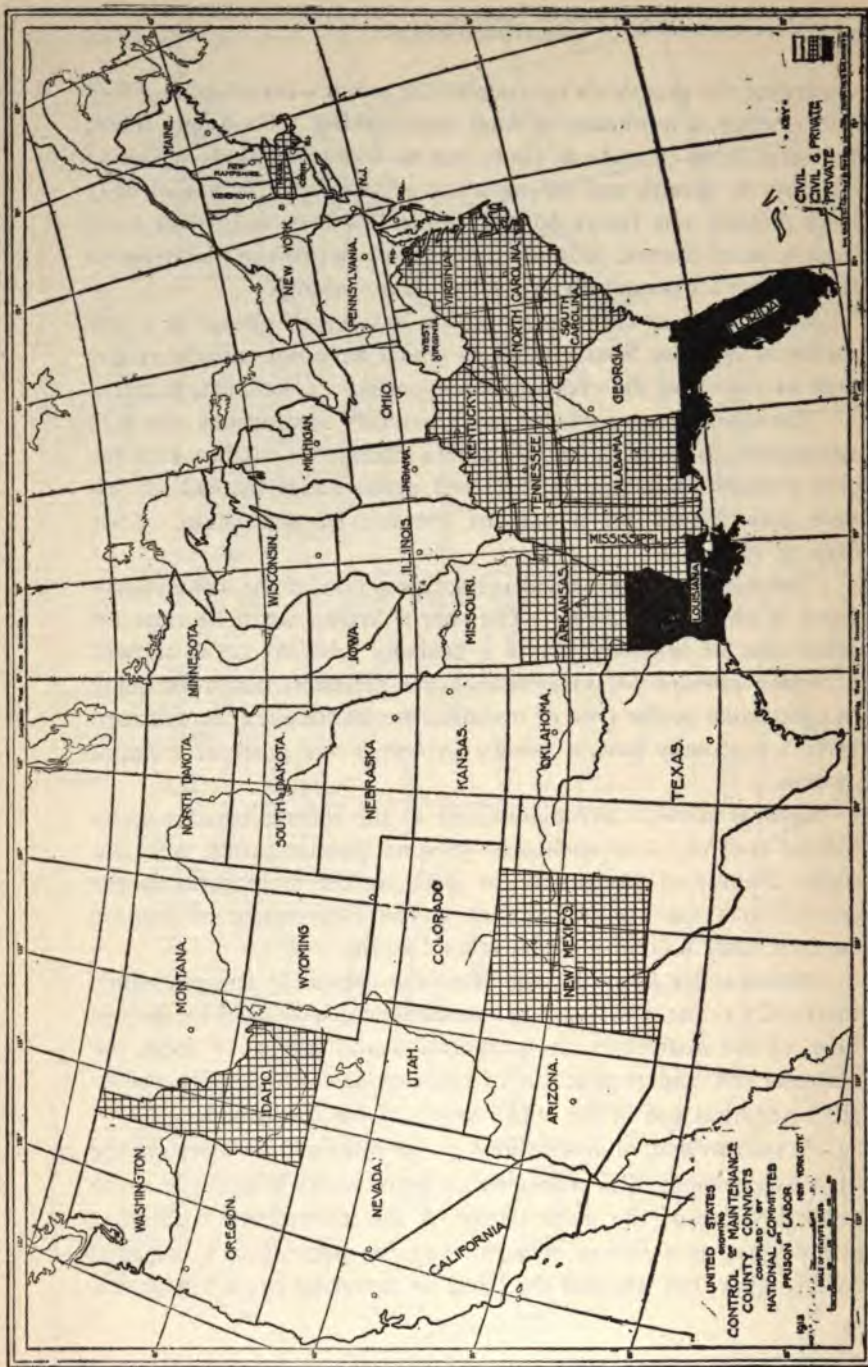
The *short-term convicts* in the county institutions are still susceptible to lease in *twelve states*, though in all but two the civil authorities have provided civil maintenance instead of private maintenance for a part of the convict population. (See map, p. 34.)

The *sheriff system* which is another phase of the same proposition is almost *universal*. The sheriff knows when he runs for office that he is entering into a business whereby he is allowed a certain amount for maintenance per prisoner, his profit being in proportion to the type of maintenance he supplies the prisoner. Here we actually have a *private system in the guise of a public system*.

Federal convicts are maintained in the federal prisons under federal control, or in such state prisons, penitentiaries, reformatories, houses of correction, or jails, as the state controls the convict in a manner satisfactory to the Department of Justice. In such cases a compensation is paid to the state.

Maintenance labor derived from the convict is an item which materially *reduces the cost of maintenance*; it is used in the upkeep of the institution, the preparation and service of food, the manufacture and production of clothing and articles for use in the institution and in the construction of the institution.

A comparison of institutions as to numbers and percentage of convicts engaged in maintenance work could bring little or no result because of the dissimilarity of the institutions. *The test* is not whether a fourth or a third of the population is engaged in this labor, but whether the labor so exercised is used in such a



way as to produce its utmost *efficiency*. A *standardization of the positions and duties* of those filling them, a *careful selection of the man to fill the position* on the basis of his special ability for such a position, and the introduction of machinery for efficiency, such as actual machinery in some places and in others an *adequate* system of *reports and records*, will increase the value of convict labor to the institution, and lessen the per capita cost of maintenance. Moreover, the offering to this type of labor the same legitimate *incentives* in the way of *reward and wages* as are given to the man who is engaged in general production for the institution, together with the suppression of filching and purloining in kitchen and storehouse, will decrease the need of guards and aid in the proper education of the convict to a recognition of law, order and thrift, which is essential to his reformation.

Convict labor has been *used* successfully in practically every type of *construction work* necessary to the building of the penal institution, from pitching a road tent in Colorado to the carving of the figures on the front of the administrative building of the Federal Prison at Atlanta. It is impossible to isolate construction from maintenance work in a discussion of prison labor: they are both for the maintaining of the prisoners, though appropriations are usually separate. The ingenuity of the prison warden who makes use of the labor of his wards in turning to account even waste materials has resulted in the erection of many fine institutions at an actual cost to the state of remarkably small sums of money.¹ The fact that many of the convicted men have had mechanical training adds another element. A chance to express their ingenuity on the mechanical problems of the construction of an institution supplies a legitimate, adequate outlet for their pent-up energies, which is advantageous both to them and to the institution. The use of the convict in building the institution has been opposed by contractors and their friends upon boards of control since the days when the

¹An instance of this is found at Green Bay, Wisconsin, where an institution containing auditorium, gymnasium, spacious dining-room, numerous class-rooms and a beautiful swimming-pool has been constructed out of an appropriation less than is ordinarily made for a small jail.

construction of prisons was first undertaken, as it prevents the contractor from bringing his own force of men and deprives him of just so much opportunity for profit. There are but few instances on record where the labor unions have demanded this prison construction work for free labor and then it has actually been the influence of the contractor, working through the local union.¹ The complaint that convict labor is inefficient and unable to do the type of work required is very often due to a lack of ingenuity on the part of the warden in not assigning men to occupations for which they are suited by training and experience. Where specially skilled labor is necessary, free labor can always be secured and skilled free labor has no more objection to using the convict as a beast of burden than to using the free "dago" hodcarrier.² Work upon the construction of the institution is the most natural and logical proposition for employment of convicts.

The *up-keep* of any institution is a big factor in administration. The daily cleaning and repair work, together with the running of heating and power plants, ventilating systems, the tidying up of the grounds and the care of the sick or disabled, all require the time of some convicts who might otherwise be employed on other labor. The policy of some penal institutions is for each convict to take care of his own room, though special men are usually assigned to take charge of the cell-houses. Where other labor has not been found for the men in the institution the number employed in this way is numerous and suggests favoritism, as they have the run of the building and oppor-

¹In California a walking delegate who in no way represented in his actions the sentiment of the California Federation of Labor ordered union pile-drivers off a construction job on a California prison because convicts were hauling the logs. His orders prevailed despite the protest of the union men. The completion of the work being imperative, the warden called for volunteers among the convicts. When the delegate called again at the prison he found the work completed and learned that the convict pile-drivers had finished it in short order, having made the pile-driving machine drive forty-five piles a day where the union men had averaged eighteen.

²Minneapolis City Workhouse has had its convicts handing brick to the masons at work on the city hospital.

³At the present time this is the only type of work in vogue in federal prisons; therefore the labor in these prisons will not be discussed in the later chapters on Production and Distribution of Commodities.

tunities for social intercourse with the minimum of actual labor. The fear of allowing the convicts razors in their cells makes the occupation of barber a necessary one where the requirement is that the convict shall be smooth-shaven.¹

Culinary and *commissary* departments require a considerable force of convicts to man them properly; food stuffs have to be received, weighed, checked, properly labelled and stored beyond the reach of purloiners of every kind. The preparation of food requires innumerable cooks, cleaners and scavengers. Despite the fact that this labor to the free person does not seem the most attractive, it is in the penal institution the boon given for good behavior or as recognition of social or political priority according to the standards of the outer world. Those employed in this department either by stealth or acquiescence on the part of the management are nourished by better food than the rest of the population of the institution. The waiters form another class and often have a cleaner and more respectable job; they are picked from the more active and self-respecting of the convicts.

The labor upon *articles* for the use of *the institution* drafts men from the population in proportion to the facilities which the institution offers for this type of work. Some institutions limit this to the *reclamation of articles* which are originally purchased in the open market: this consists in laundrying, cleaning, repairing and mending. The laundry work in many instances is done with all the approved laundry machinery, such as mangles and dryers—men are used for the large part on it. Mending is always kept for the women provided there are women in the institution. Cleaning and repairing become adjuncts to the tailor-shop where the clothes brought into the institution by the convicts are cleaned and repaired to be worn on going out again either by the owner, if they are poor clothes, or by a more privileged convict if they are of greater value. For these lines the "handy-man" is in demand.

The manufacture of new clothing, both for use in the institution and for use upon discharge, is carried on in some institu-

¹This occupation has been developed so far that at Mansfield, Ohio, a barber school of twenty-five chairs is in full operation.

tions;¹ cloth is manufactured especially for this purpose,² while cobbling and knitting often are made available in the production of shoes and underwear.

A farm connected with the institution and worked by the convicts produces the vegetables, meat, eggs and milk needed by the institution. Often farm utensils are manufactured on the premises, farm products are canned and hams and beef are smoked. Flower culture is found in a large number of institutions and does much to beautify the lawns and add charm to the warden's table. The job in the greenhouse is a sinecure which sometimes is given a celebrated convict as a bed of roses. Some of the time of the convicts is taken up in playing in the *band*, that is hours of practice with a few minutes of play, and in the care of the *library*, or assisting with the correspondence or in running errands. The *bookkeeping* and finances of the institution keep a whole corps of clerks busy and usually claim the best educated for that service. Where education is at all developed, not only is some of the time of all the convicts devoted to attendance in school, but educated convicts do the teaching.³

To maintain the penal institution, efficiency in management and in the distribution of convict labor should be so thoroughly developed that the prison will be the example to custodial institutions of other types of the greatest possible co-ordination between the needs of the institution and the activities of its inmates.

¹A tailor shop is conducted in all the state prisons in New York State where are manufactured prison clothes and business suits and overcoats for discharged convicts.

²Auburn Prison, New York State.

³The most dignified teacher I have ever seen was an incarcerated judge who with fitting grace guided the uncultured minds of his convict class through the history of the founding of the Republic.

PART IV
EMPLOYMENT.

CHAPTER VI.

THE REFORMER.

To make a vagrant efficient is more praiseworthy than to make two blades of grass grow where one grew before.

I

"Politics are out of it as far as the Workhouse goes," remarked a policeman glibly as I stood on the corner waiting for a car to take me out to the Workhouse, "The Parole Board is politics, the State Prisons and Reformatories are politics, the Police Force is politics—but say, that Workhouse, they don't dare touch it—the people won't stand for it." Local policemen usually have the best line on the real conditions in a community, and these remarks quickened my desire to see the institution.

As I crossed the Market Square and discerned the dingy old Workhouse, set back from the street, I could not imagine how such buildings could have virtue in them. The offices presented the general appearance of those of a firm that had been incorporated fifty years before and had not moved—the board room on one side, with the usual chromos of deceased directors of the institution, and the little business office with its high desk for bookkeepers, its time clock, and disarranged books and reports on desks and tables.

"Yes, the warden will see visitors," said the clerk, "but he is a very busy man." Soon there came into the room a man of middle age who in a quiet voice gave orders about supplies, getting out a notice to customers, telling Mrs. Brown her boy was all right, and then sat down at a table to en passant dictate letters and visé a dozen bills he had in his hand. Having caught his breath, he half turned round and remarked, "You want to see our prison? Well, we're always glad to show it to anybody who is really interested, provided they'll come around on my usual tour—I'm too busy for frills around here. I'm running quite a business establishment, as I presume you see; nothing secret around here—there isn't room for that kind of business." Soon we headed down the corridor where everything

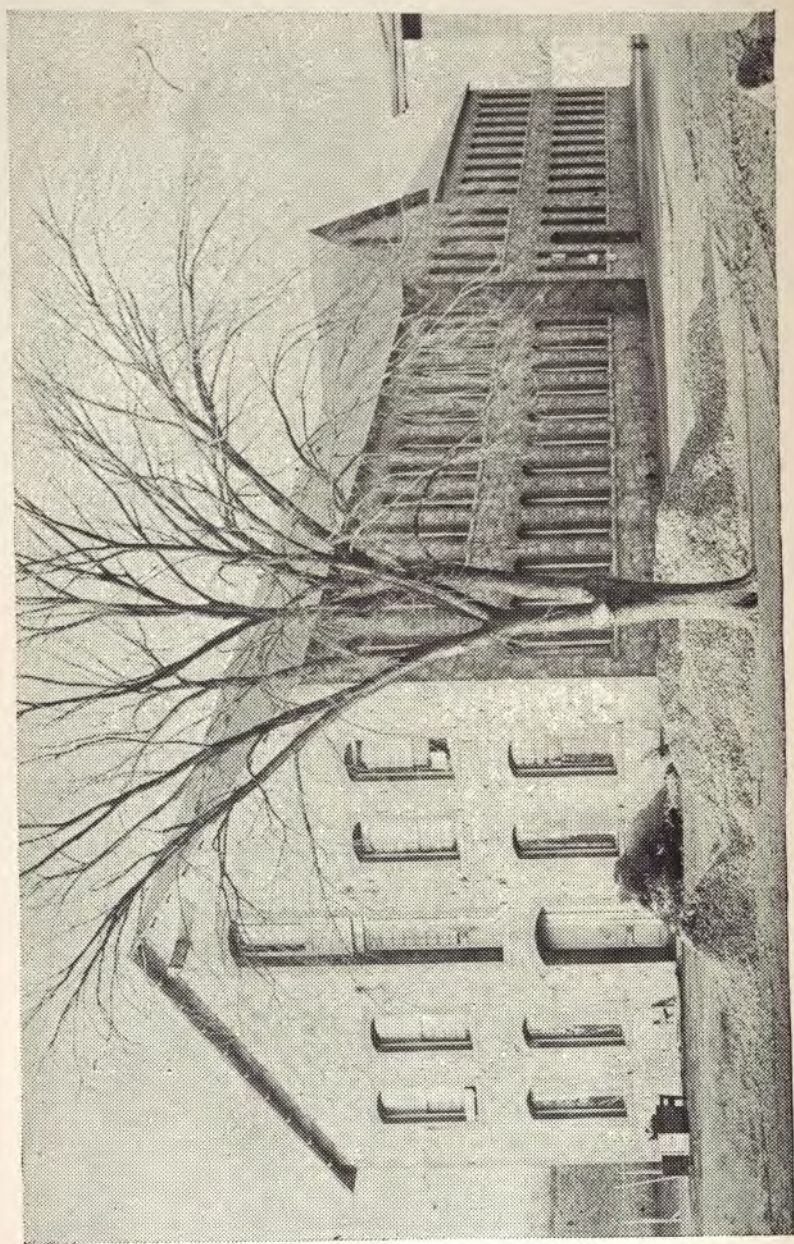
was as clean as paint could make old boards, and crossed the centre yard which was surrounded by old buildings some of the warehouse type and some with long windows showing the cell-house.

"It's my factory you want to see, I suppose," said the warden, "and my men at work? I can't claim much for the buildings I inherited, but I've built up this business after some years of work and I want to know what you think of it." We entered the basement floor of one of the buildings and made our way to the little platform on which the guard was sitting. From this vantage point every part of the shop was visible, though the mass of leather belts running to the lathes and saws obstructed our view in many directions. The place was thick with dust despite the fans; everywhere men were busily at work on the machines or upon side tables, cutting, polishing, fitting, nailing parts of chairs together—men black and white, all sizes and all ages.

"Well," said the warden, "these are my boys—they used to call them bums, but they don't look like bums now, do they? You see, most of these men are thirty-day men in for breaking the peace; some are here for a year but none for longer. These are the vags you hear about, not worth anything in manufacturing—oh, no, I was mistaken myself in that! You see, when we used to have United States prisoners on long time I worked them with profit and said this kind were no use, but when they took the national prisoners away I had to use these fellows, and now I think they're all right, just because I know how to handle them and nobody troubles me."

"You mean there's no politics in this prison?"

"Now friend, how can there be? I've run this prison for eight years, turning over each year a greater profit to the Board of Aldermen, and as long as I show a profit and a substantial one, what do they care about my politics? I always vote, but I never tell any of them how I vote—'tisn't the warden that's voting. Then the people in the town wouldn't stand for their fooling. They know I've got a business proposition here and it's all right. We're handling these convicts in a way they've never been handled before. We don't waste much money on



A FACTORY WITHIN A PRISON.

guards, either." I could see this, for there was only one guard in the room, the one on the stand where we were, who sat watching the men at their work and signaling them when they might leave their respective places. On the floor with a hundred men were two instructors, going from one prisoner to another, telling how to improve the work and making suggestions. Every man was working, and working hard, and no one seemed to observe that we were looking on. There was an attitude on the part of the men of "we're doing our work, what are you doing," and despite the bad physical conditions there was a wholesome moral atmosphere.

As the warden and I made our way from shop to shop he called this man by name and the other fellow came to him for advice; no one seemed afraid and everyone had a smile of recognition. On we went through the storage rooms and packing-room, climbed the stairs into the button factory, then not in use. There we found two convicts tidying up, no guards around, or within call; they were working diligently and the warden, seeing that a certain barrel was leaking and out of place, took them to task for not observing it themselves and putting it right, but left them to carry out his instructions with a spirit of confidence that they would do their best.

"You see we pay them wages," the warden remarked, as we passed out of the factory. "Oh, I haven't told you about that. We pay from fifteen to twenty-five cents a day to every one of these men, fifteen to the month men and twenty-five to the fellows that stay the year—that is according to what they're worth; the longer they stay, the more they are worth. They like the wages? Yes indeed, and it gives them the push that you see they've got and saves all the punishment. Yes, once in a while a man won't work—maybe once a month—one man in five hundred. Well, I put him in a cell, cut down his rations and then go round and have a talk with him, showing he's not doing the fair thing by the other fellows and that he's losing his wages. It don't take long to have him really despise himself and go back and be happy, and that's doing pretty well, considering the type of convicts we have—all short-term men, you know.

"Then there's another thing that appeals to them. You see last year I got the Board of Aldermen to vote \$5,000 for the care of their families; I'll get \$15,000 this year, I'm pretty sure. I went through the prison and made every man tell me whether he had anybody dependent on him or not; then I sent the county poor-commissioner to investigate. Well, you know we only found thirty families out of the whole bunch from this county, but that \$5,000 came in pretty handy—they all got help and everybody thought it was a fine scheme; \$15,000 next year will go still further, and you know that leaves \$15,000 more for the Board of Aldermen to put in its treasury. No, I don't say much about it in public; you see the thing talks for itself—you don't have to preach about it in this city—the people know, the Board of Aldermen know, and what's more the Board of Aldermen know that the people will vote accordingly.

"I haven't shown you my kids! I keep them away from the big fellows—nothing of a training school for crime around here. Yes, they're up in this building making brushes," and there we found them—forty boys, isolated entirely from the rest of the establishment, working merrily away on their brushes under the supervision of an instructor, and, despite the signs of weakness and degeneracy in their faces, looking very much the same as the boys in a manual training class in a public school. "We take special care of the kids, for we're not looking for them to come back. I wish they had a school of their own, but we're doing the best we can for them."

As we made our way out of the dingy old building, the dust and noise, I could not help feeling that the man had a right to be proud of what had been accomplished out of such poor material, and yet how much better a farm would have been than this factory, and how much good the \$15,000 given back to the city could have accomplished if invested in remodeling the old building.

Making my way to the station I saw my policeman friend again, and going over remarked, "Well, Officer, you're right about your Workhouse—it's without politics up there, but aren't

they paying pretty high for the freedom? Why don't they give back the \$15,000 they rob from those poor devils' wages?"

"Well, you see, Boss, we've got so many leaks in the other departments and so much graft everywhere, that we've got to make up a little somewhere and get a little honest graft out of somebody, and them poor devils is the easiest to take it out of."

The door of the prison swung out, bringing to view a cross clean cut from out the sod, with clusters of red roses trained to give it form. Beyond stretched a field, deep furrowed by the plow. Along the furrows groped a row of figures silhouetting themselves against the red sun-set sky. A tall, straight leader with a gun urged on their weary feet; their striped bodies swayed as they turned from right to left, gathering in the products of the soil. At intervals a bent form raised its head from the furrow, straightened its humped back and poised as a man, as if to mock the guard in his lofty idleness. The figure of the guard relaxed, the gun swayed, rested for a moment upon the man, and pointed downward till it dug in the mire. Crouching, the man became an animal again, the shadow of the gun barring the setting sun and the blue sky of hope beyond. The harsh voice of the deputy broke the silence with the lament, "That gang is dead; the whites is worse than the blacks—you can't get any work out of 'em and you darsen't use buckshot. Interest in the work! Wages for them kind! Man, you're crazy!" "Why doesn't he use a spike then—it's at least got a point," I rejoined in derision, but it was lost on him and he responded with a hearty laugh, "Why you know I never thought of that. That's bully—I'll try it tomorrow."

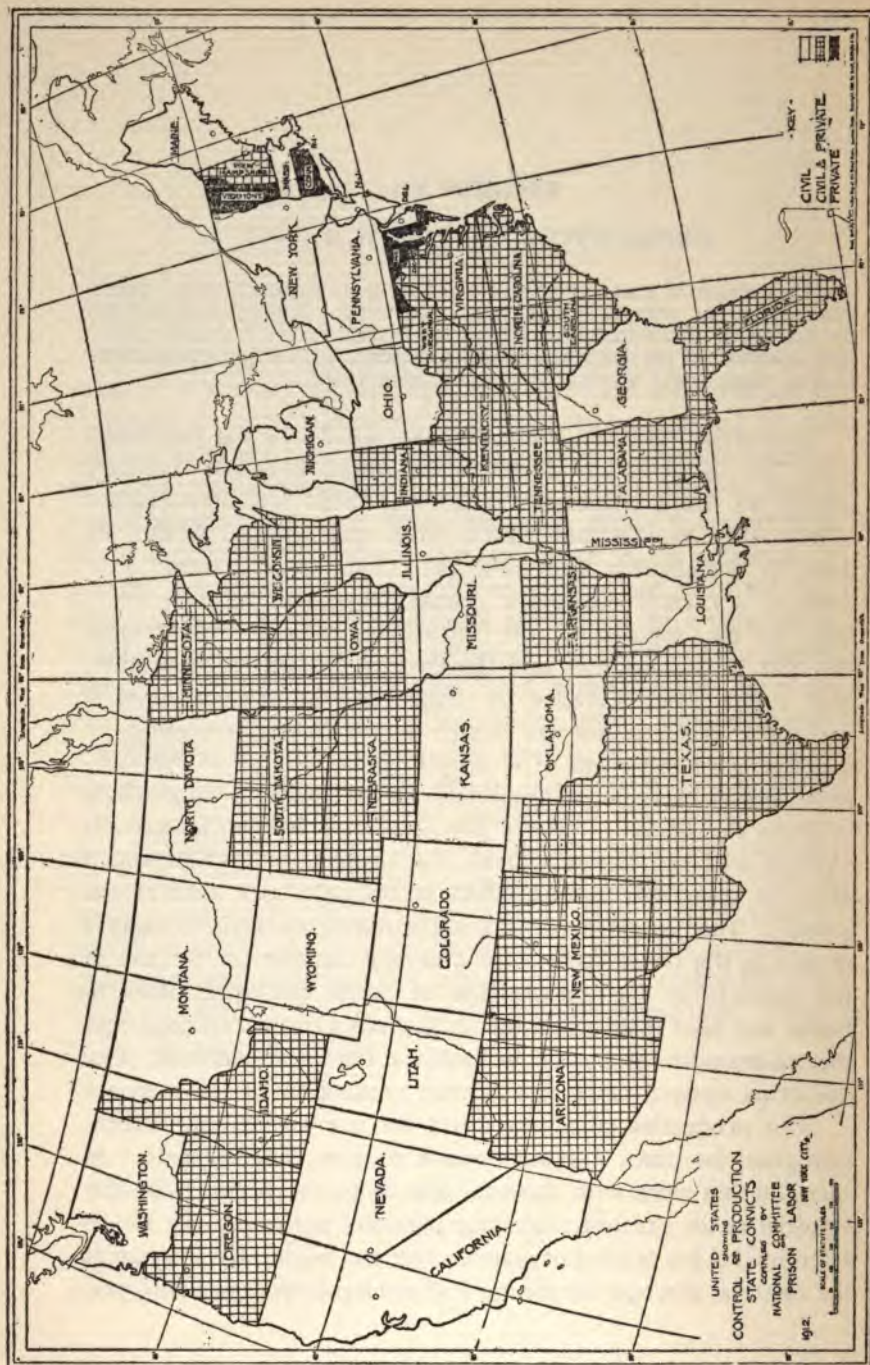
CHAPTER VII.

PRODUCTION OF COMMODITIES.

Production of commodities for use outside of the institution. Supervision—civil or private. Road work. Farming. Mining—responsibility for accidents. Manufacturing—convict as efficient as the free man. Business initiative of the warden. American Federation of Labor—resolutions. Capital fund—state appropriation—"revolving fund."

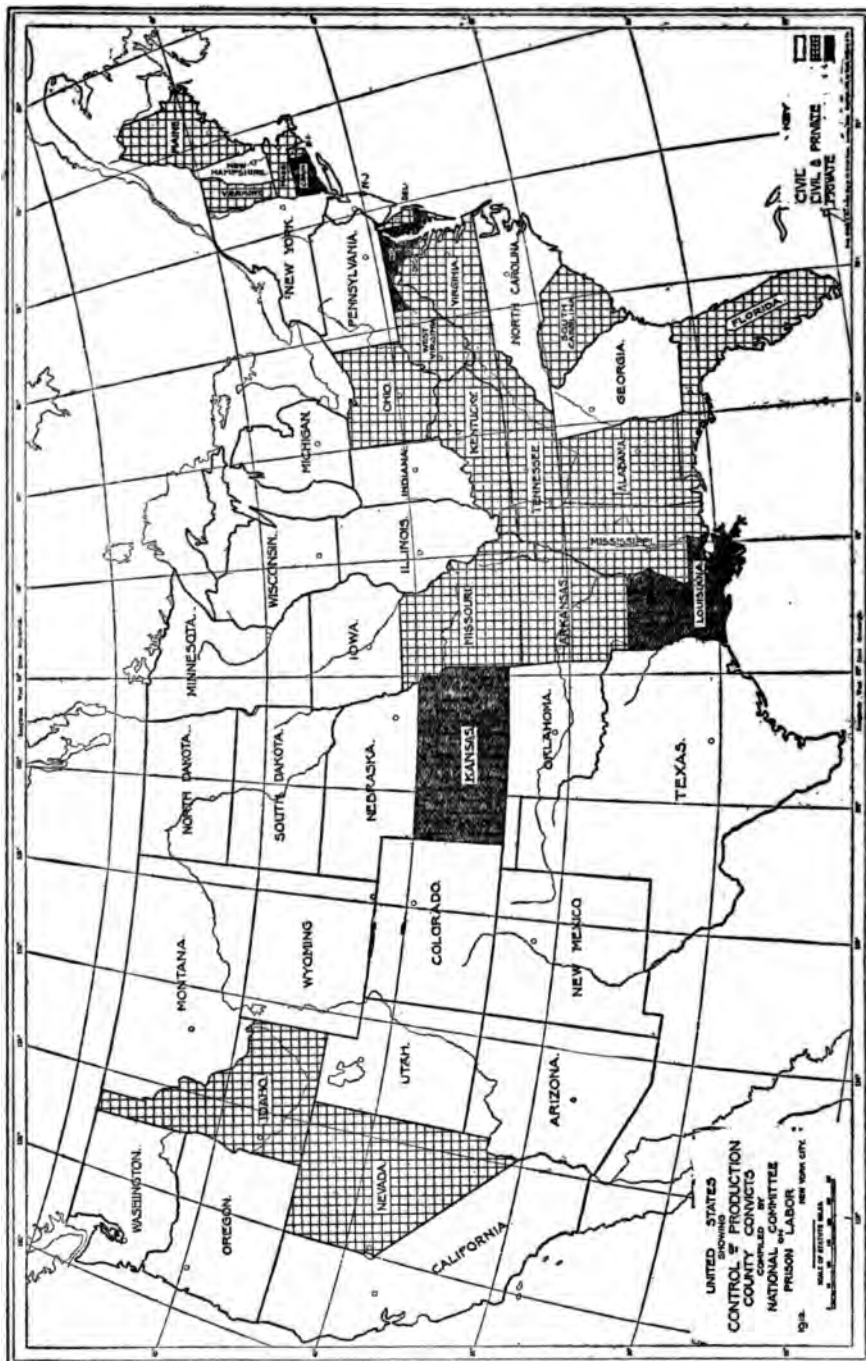
Production of commodities for use outside of the institution must be disassociated from those other lines of industry which we have discussed under the head of maintenance. While the maintenance work may and often should be done in conjunction with and as a part of the larger production, a careful distinction should be made between them, both in the reports of the institutions and in ascertaining the cost of maintenance and the cost of production of marketable commodities. Where so many convicts are leased to a contractor that too few are left to do the baking, repairing, or developing of the farm, it is natural that the cost of maintenance should be large in proportion to the grade of care which is given the convict. Where the contractor leases the convicts outright and has charge of both maintenance and production, it must be taken into consideration in the price per head at the selling. This is equally true when a road commissioner agrees to pay to the penal department a certain amount for the use of the convicts in the construction of roads and guarantees to house and feed them while the state guards them. In each case the maintenance end must be isolated and not confused with the value secured from this surplus production of the convicts.

The production of commodities for use outside the institution must be under *the supervision* of some one competent to carry on that work with efficiency and despatch, to secure the raw material at the greatest advantage possible, and to provide for its retention till the process of manufacture can begin. He must guide the material through the mechanical and hand processes with pre-



cision and without loss of headway so that the finished product will be forthcoming in such perfection that no complaint of poor workmanship can be made against it. To secure this result an experienced buyer and competent foreman are necessary and upon them must rest the responsibility primarily for the business. Preparation and efficiency are necessary in the supervisors of any productive work; where they are lacking failure is sure to result. This is true whether the work is that of the farm, the coal mine, road construction, public works or the factory. The managing director of the enterprise must be responsible for the profit or loss incident to the undertaking and upon him in the last analysis must come the responsibility for the personnel of the labor force, though the narrower selection and final assignment may depend upon the foreman. Whether the management should be in the hands of a civil officer, such as the warden or his representative, or a private contractor interested in the work for his own personal profit, has been a matter of no slight discussion among theorists and of radical disagreement in practice.

Whether the management of the production shall be *civil or private* is a matter embodied in state constitutions, acts of legislatures, resolutions of boards of control and contracts between boards of control and individual manufacturers. The matter is not one for arbitrary decision on the part of local officials. Even where the contracts with independent firms are made by local authorities, through power delegated by higher authorities, the fact that these contracts often extend over a long series of years makes it impossible to terminate them until the time is up. The map on page 46 illustrates the present status of state prisons throughout the United States; often both civil and private management are permissible under law. In the map on page 48 the status of county institutions is graphically shown. The types of work represented are manufacturing, construction work, mining, farm and road work; the distribution of these types follows closely the general distribution of free industries. The type of convict also varies and follows closely the type of inhabitant found in the state. Discussion



of private versus civil management of production must be on the basis of these several activities.

ROAD WORK.

Road work is conducted under state or county commissioners of roads or under road contractors. The road work is of such character that in most instances the worker must be housed and fed away from any central institution so that responsibility for maintenance must be placed upon the road contractors; this presents the practical difficulty of guarding the men. The public demands protection and has incarcerated the convict to protect itself. The opportunities for escape in road work are very great and the public must be ensured firstly regarding its own safety and secondly regarding the means used to retain the convicts, such as shackles, guns and dogs. These the Northern states will not tolerate; the Southerner is content to see them used upon the negro, though he sometimes balks at the use upon the white man. The escapes in either case depend largely upon rebellion in the prisoner himself against the lot assigned him. Many convicts feel they are expiating their crimes by service to the state against the laws of which they have sinned: this creates a feeling of responsibility to the state and at least an acquiescence in its decrees regarding themselves. Where the work has no profit for themselves, the fact that it has profit for the state of which they have been a part, establishes a condition of mind which tends to regularity, consistency of work and a decision to do the task set until they have served their sentence—there are many exceptions to this but they are few in the carefully selected convicts employed on road work. On the other hand when you substitute for this feeling of duty to the state, which is so closely akin to the philosophy of the underworld of "being square with a pal," a relation of slavery to the individual master whose end is not the prisoner's good, whose aim is to increase his personal wealth, whose standard of ethics is that of the survival of the fittest, and whose motto is to grind out all he can, you find that the

honor system so effectively used in Colorado¹ and Oregon² is not practical. The cost of the honor system compared with the cost of the guard system emphasizes imperatively the wastefulness of attempting to build roads under individual contractors with guards when the state itself can compete with them, use honor as the only chain or guard, and do the work for so much less.

FARMING.

The convict farm, after the exposure of the many atrocities incident to the lease farms, commends itself as a civil but not as a private institution.² A slave system based upon neither hereditary ideas, nor the family customs which were incident to the old colored slavery, cannot but duplicate the horrors of anti-bellum slavery devoid of its better features. Isolated from civilization, in sparsely settled communities, with a great crop to handle and a sullen and defiant type of labor to handle it, with the fear of mutiny and the danger of assassination, is it remarkable that the modern slave-driver, who is managing the convict farms for his own pecuniary benefit, should resort to brutality and barbarous practices and offend the sense of modern society by his actions. How, under the circumstances, such a farm owner could by methods adopted to our present time and generation get a fit return for his pains and pay the state what it demands, without the use of these inhuman practices, is difficult to see. Replace this farm owner by a civil head of a great farm school and camp, substitute for the atmosphere of peonage, the idea of cooperative work, and you get those results so definitely shown in the state farms where the harvest brings in ample profit upon the investment.³

¹West, Oswald, "The Problem of Prison Labor," *A paper prepared for the Governors' Conference, 1911.*

²National Immigration Commission, "Peonage and the Treatment and Conditions of Work of Immigrants," *Report 1911*, p. 10.

³Donaghey, George W., "When we took charge of the penitentiary two years ago and before we could make a move to earn anything for its maintenance we found it was in debt in the sum of about \$130,000. . . . The first year we bought supplies on credit, paying what our creditors chose to charge us, and we not only paid the debt to which we fell heir, but made enough money over and above all expenses to pay \$30,000 of

MINING.

The convict mine presents the primary difficulty in its management in the fact that there is inherent in mine work, and especially in coal mining to which the use of the convict is restricted, the inevitable danger of explosion and destruction of the mine with all therein. The free man who voluntarily, for a wage, risks his life in the work of coal mining must be protected by all known devices which law can prescribe for his protection, but prohibition of his taking such risk is beyond police power. On the other hand to compel an individual to risk his life in a coal mine because he has been convicted of some crime for which incarceration at hard labor is the penalty, involves the danger of imposing a capital sentence in place of a light sentence for a small, incidental and statute crime.¹ The risk that the man incarcerated may have to pay unwittingly a penalty in excess of the court's decree raises a peculiar situation. *Responsibility for accidents* which change the sentence of the courts cannot be intrusted to private citizens; the state alone should be responsible.² It is doubtful as to the state's right to compel this type of labor but it seems likely to continue for sometime on account of the profit which the state can secure from the high productivity of the comparatively untrained convict; moreover it has practical educational value for the convict who can find a ready market for his talents in this direction upon release from imprisonment. The fact that no known method can prevent beyond peradventure explosion of gas in a coal mine demands from the state, which places its convict slaves in the mine, not only every protection known to science, but that by a direct act of its legislature it assume full liability in case of accident. This protection has not as yet been granted

the State's farm debt, and turned back into the general revenue fund \$50,000. For the past year we will do equally as well." *Message to the Legislature of Arkansas, 1911.*

¹A clear expression of this standpoint was sufficient to induce the coal company responsible for the coal mine disaster in which 123 convicts were killed in 1911 to surrender the convicts and the mine to the management of the state.

²Harrison, Shelby M., "A Cash Nexus for Crime," *The Survey*, Jan. 6th, 1912.

though the tendency is for public ownership of convict coal mines to supersede private management¹, and already in some states this is an accomplished fact.²

MANUFACTURING.

The convict factory exists practically throughout all the manufacturing states. Many of our prisons are great bastiles, enclosing within their limits two, three and sometimes half a dozen factories, in which the work is disassociated entirely from the maintenance work of the institution. In the management of these factories the contest between civil and private has been going on apace. Certain industries however have been developed in them to such efficiency that these factories have become pace-makers for the free factories outside the walls³—the antiquated methods of hand-loom⁴ and loose accounting have given place to high-power machinery and efficient shop management. Every known incentive to increase the product has been applied—from the straight-jacket⁵ to the straight wage, from the pain-making paddle to the pain-deadening cocaine—but more of this anon: suffice it at this time to point out that by varying means efficiency has been secured from those who were inefficient, and it has been ably demonstrated that the *convict* can be made *as efficient as the free-man*. Credit must be given where credit is due. It is the contractor⁶ who entered our prisons, pushed aside the inefficient and politically appointed warden and set himself up as dictator over the convict slaves which he had bought, who has demonstrated that this thing is possible. He has shown that the convict, freed from the dissipations of ordinary life, finds the one outlet for

¹Harrison, Shelby M., "A Cash Nexus for Crime," *The Survey*, Jan. 6th, 1912.

²Kansas and Tennessee.

³Maryland State Penitentiary.

⁴Massachusetts State Prison.

⁵Howard Prison, Rhode Island.

⁶The National Committee on Prison Labor—Its Origin and Purpose. *The Survey*—Feb. 18th, 1911.



AFTER THE BANNER MINE DISASTER, LITTLETON, ALA.
Crowd at the mine entrance watching the removal of the bodies of 123
convict miners, killed by an explosion last April.

his pent-up energy in the production of the commodity on which he works. The former scatterbrain, the drunk, the frivoler, finds no other means of expression than work. Centred on that, in an agony of despair, and coaxed along by cleverly conceived incentives, the result is efficiency plus—and plus has been turned into gold for the reward of the individual who has grasped the opportunity, not only to make these wayward men efficient, but to make them serve the industrial ends of the corporation which has bought their slave labor. Credit is due to the inventor but there is an end to the duration of all patents. To the question "Are you not as competent after your years of experience to conduct the industries of this institution as any contractor or foreman that you have seen," will any prison warden of experience fail to answer, "Yes, surely." To the question "If you had conducted this business in the last few years would it not have been to the pecuniary advantage of your institution and the state," the same answer must be given. Many wardens have been questioned and even from the strongest possible advocate of the contract system comes the answer, "Certainly, if I could be sure of the market."¹

Efficient prison labor management then is not a monopoly of the prison contractor but can be attained by the appointment as head of the penal institution of a man clever enough to administer that office to its full capacity. This *business initiative* and power of management on the part of the prison warden has been evidenced in many cases where, in his own way and under the limitations of his institution and work, the warden has established to a great degree efficiency in production. Furthermore the people of this country have confidence in his ability, as is proved by the fact that twenty-one state legislatures in session in 1911 made some provision for the state's assumption and operation of its industries.

This movement has had the hearty support of the *American Federation of Labor* which, together with resolutions passed and speeches made, contradicts the assertion that if it were not for the fact that the contractors fought the unions industrial

¹Warden Weyler of Maryland in an interview with the writer.

efficiency in the prisons would be impossible. Probably the clearest declaration of principles that can be enunciated upon this point by organized labor is contained in the following *resolutions* passed unanimously by the Illinois State Federation of Labor at a convention at which fraternal delegates were in attendance from Indiana, Iowa, Minnesota, Missouri, Ohio and Wisconsin.

"We believe with modern criminologists:

That nearly all of the prisoners in penal institutions are morally sick people and can be cured; that the primary purpose of confinement is reform and not punishment; that it is cheaper in the last analysis to reform the prisoners and that the efforts of the state and state officials should be toward this end.

That the labor of these prisoners should not be exploited for the benefit of any private individual or for the state itself; that many of these prisoners sent to prison leave behind them dependent families, whom the state is compelled to support, either by private or public charity.

That some system of compensation should be arranged whereby the state would charge itself at the prevailing market price for all products manufactured in its penal institutions, crediting each prisoner with the amount thus earned, so after deducting from such the cost of maintenance of the prisoner and other necessary costs for maintenance, the balance, if any, should be paid to the family of the prisoner, or the person suffering financial loss through the crime of the prisoner, or kept and paid to the prisoner at his discharge.

That the provisions of the present law should be extended so that not only state institutions, but institutions in counties, cities, and other political subdivisions of the state and school districts should be compelled under a penalty to secure wherever possible everything they need by prison labor.

And in addition to the foregoing, the state should provide a method for the care of prisoners when discharged or paroled, whereby they may secure employment, or a place provide where they may remain until they do secure employment in order that they be not compelled to fall back into crime."¹

CAPITAL FUND.

Many business enterprises have failed, not from lack of market, or antagonism of labor interests, but from lack of capital. These state industries like other industries must have capital. It is necessary for the development of efficiency that ample capital be secured to meet the needs of the growing business.² Two methods are in vogue for creating this capital fund—the *state appropriation*, and the *revolving fund* secured by the profits of the prison industries. This latter method has often taken the form of a special fund set aside from the profits of the contract system for the gradual establishment and maintenance of the state use system. This gradual method of transfer from one system to another makes unnecessary the issuance of special bonds, with the difficulties inherent in bond issues. In a state where contracts continue for a period after the legislature has provided for the establishment of the state use system, this method of gradually accumulating a revolving fund for carrying on the industries has in it great possibilities.³

The solution of the problem of production is not limited to the difficult phases of efficiency production, the capital fund and the like. The methods by which the state must develop these great state industries and endeavor to become an example as an employer to the other employers of the state must be based partly

¹As reported in "*The Weekly Bulletin of the Clothing Trades*"—Nov. 10th, 1911.

²When New York State entered into this business it established a capital fund of \$500,000. The surplus is turned over each year to the Treasury for appropriation into the maintenance fund.

³Kansas Laws, 1911—c. 298; Michigan Laws, 1911—no. 150; North Dakota Laws, 1911—c. 203.

upon the problem raised by the warden who said, "If I could control my market," and by the problem which is still more fundamental of the actual educational needs of the individual convict who must be trained through the work for a life of usefulness in the community into which he is to be released.

PART V
THE MARKET.

CHAPTER VIII.

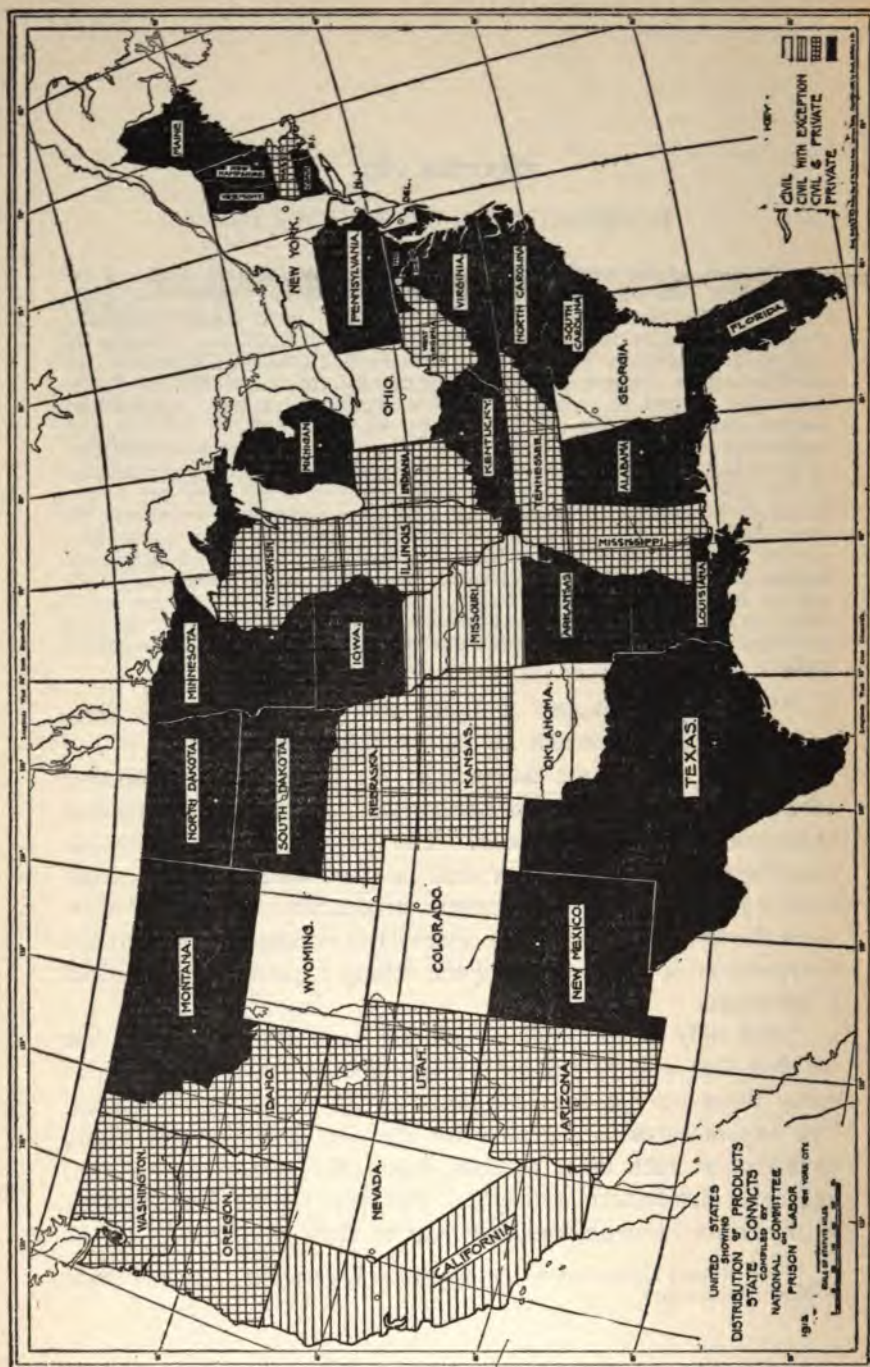
DISTRIBUTION OF PRODUCTS.

Problem of the market—what the market shall be—the effect of the goods upon this market, upon the ultimate consumer, upon free labor. General competitive market. Transfer. Cooperation by absolute control—cooperative feature in modern industry. Surplus products. Transfer of commodities between institutions. Preferred market—classification and standardization—hazard eliminated—goods made to order—credits—Legislature has a right to supply the market artificially created. Competitive market distribution—the effect upon the market. Methods for lessening competition—limitation of output based on number of convicts—prohibition of manufacture of goods in state in which prison was located—prohibition of the sale of the convict goods in the state in which they are manufactured—branding and license. All subsidized institutions encounter the same difficulty. The crux of the difficulty—securing in a competitive market a fixed market price. Ideal solution—isolated market—Socialism foreign to this solution. A phase of socialism in governmentally subsidized industries to control trusts. Centralized national government—exchange of surplus commodities between states, or states and the national government. The national government can ensure a non-competitive market.

“Your Commissioners find that the conditions in this State are particularly favorable to the profitable operation of prison industries. By statute the prisons are given certain economic advantages over similar industries operated in the open market at a profit to the manufacturer. The law requires that no article manufactured by the prisons shall be purchased from any other source for the State or institutions of the State or political divisions thereof. The market so established is constant and certain. Competition is eliminated and the selling expense is reduced to a minimum.

“Not only is the available market constant and certain but we find that it is of sufficient magnitude to consume an output many times the amount now produced by the prison industries. The expenditures for supplies for the city of New York alone, exclusive of such items as coal, foodstuffs, forage, horses etc., aggregate \$16,000,000 annually. The sales of the State prisons in the entire State amount each year to about \$900,000.”¹

¹Final Report Commission to examine the Department of State Prisons—New York—1911.



The distribution of commodities produced by convict labor presents the *problem of the market* for these goods. *What this market shall be, the effect of the goods upon this market, and the effect upon the ultimate consumer and free labor* of the use of the market; these are the most troublesome questions connected with convict labor discussion. Here again we find the distinction between private and civil used in connection with maintenance and production also holds good though the terminology may need explanation. When we speak of market economically we mean the *general competitive market* where goods are exchanged. This competitive market is national in scope. It has been the endeavor of Congress to make this market competitive even by placing a penalty upon the restriction of trade. Exchange of commodities however is not entirely restricted to this competitive market though the other type of exchange should be properly called *transfer* to make its meaning clear.

This transfer in its simplest form is found, as it were, by letting the right hand know what the left hand doeth—by allowing the mother of the family to raise the raw material, weave it into cloth, cut and shape it into clothing and place it at the disposal of the family in exchange for the products of the farm which may have been sown, raised and harvested by other members of the family group. It appears again in the home school or paternal institution where the different members work together for the good of the home, each contributing that which he is able and receiving that which he needs. Such exchange is not based upon the theory of competition but upon that of *co-operation* and is made possible by the principle of *absolute control* centered in the father or the head of the institution. It is based upon that most fundamental principle in the evolution of the human species, the continued protection and control of the young and immature by the more mature. The interchange so worked out is as definite an interchange as that which we find on the local competitive market—the only difference being that the rights of the individual are made absolutely subservient to the interests of the group as determined by the individual having control.

This *cooperative feature* is coming more and more strongly into prominence in the development of *modern industry* as the great trusts add to themselves those subsidiary companies from which they formerly bought their raw material or parts of the commodities handled. The exchange in these cases is a matter of book-keeping from one department to another, the credits on which the exchange is made being fixed by the central controlling board. Large quantities of commodities manufactured by physically independent plants find a market and are consumed without ever coming upon the general competitive market. We must therefore consider that there are two ways of distributing goods; one, the placing of them upon the open market for general competition; and the other, the consuming of the commodities within the institution or the inter-related institutions, or corporate organism in which they are originally produced.

Internal consumption of the labor of the convict, together with the use of certain commodities, such as food stuffs, clothing, etc., which are produced by him were shown, under the head of "Maintenance," to be part of the ordinary life of every penal institution. The analogy between home life and the daily life of the institution as a home has made this development natural and ~~seemingly~~ matter-of-course, yet we have in this system the consumption of a definite quantity of labor in well-defined types of production, with a method of distribution and credits between departments similar to those found in the large industrial corporations today.

The *surplus products* resulting from the efficiency secured in the productive end of the penal institutions must find a market, either in the general competitive market or in transfer to some other coordinate or supplementary institution or department, having an organic connection with the penal institutions. Where the board of management over the institution has a coordinate power over another institution, as for instance when the board of the men's prison is also the board of the women's prison, we find that this transfer between the institutions, especially when they are physically adjacent, becomes most natural and logical. It would be an inefficient board that did not encourage the men's prison which has been equipped with an expensive

refrigerating plant to supply the ice to both institutions, or that did not in turn utilize the women's known ability with the needle; or again that did not require shoe-making and farming by the men and the manufacture of soap by the women. The distribution of industries between the institutions and the credits given therefor in the respective budgets, finds an easy working out in the hands of the managers, and requires only the criterion of all business management—the letting your right hand know what your left hand doeth.

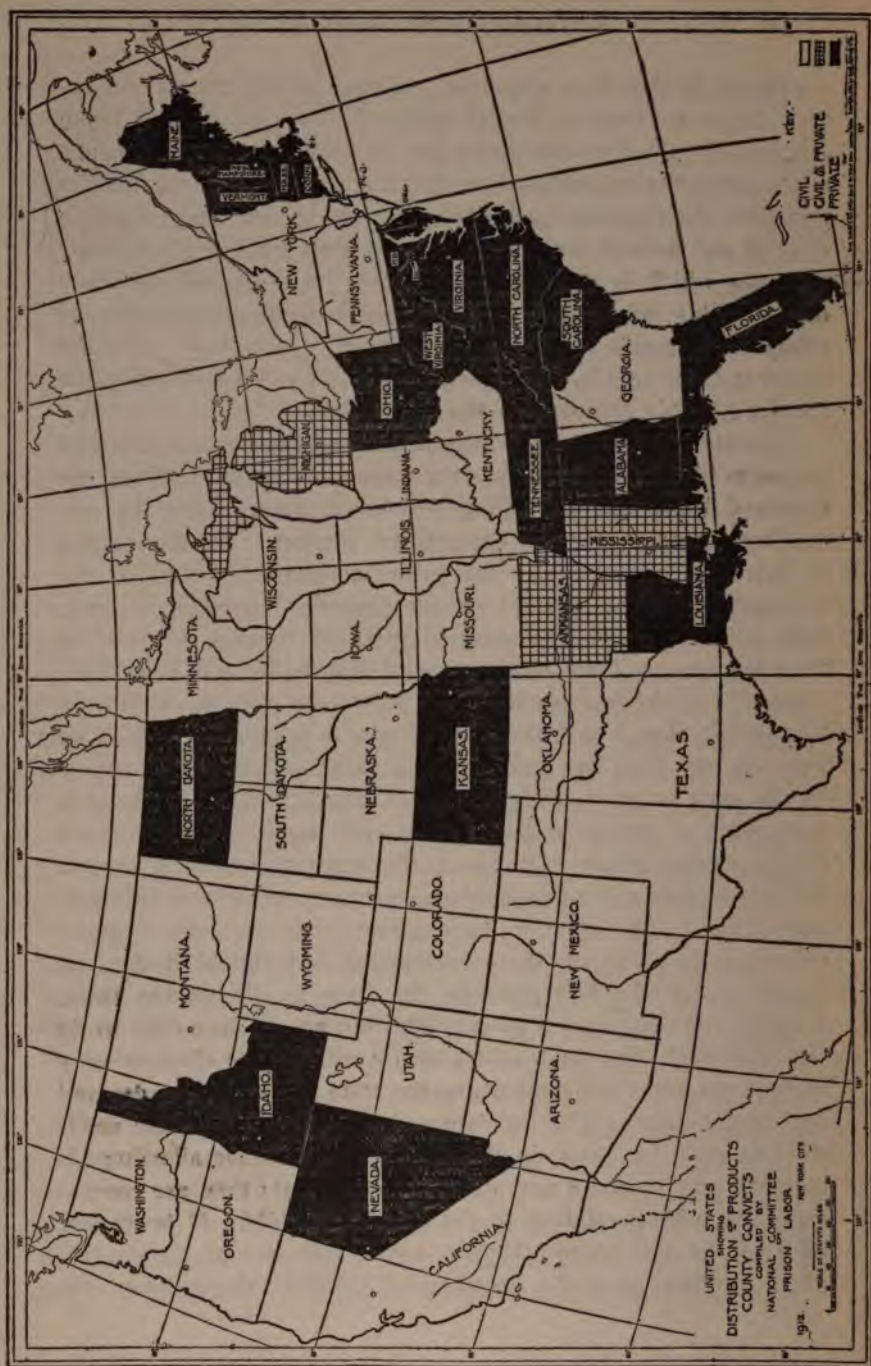
The *transfer of commodities between institutions* and departments is a matter of coordinate control and depends first upon the existence of this control and second upon the powers lodged in the central governing body. Under the head of "Control," we have already seen that while there are many variations, both as to type of control and the power vested in the control, yet that there is a movement towards centralization of this control in a central state board of managers with power over all eleemosynary institutions. It has also been pointed out that in a number of states this board has not only the power of transfer and with it the fixing of types of industries and credits for the various institutions, but has been given the power over the purchases by state departments, by counties and cities. The fundamental principle is the same as in the transfer within the prison itself, between two institutions connected by the same board and between a large group of institutions and state departments—it is a matter of transfer, pure and simple, and merely embodies the recognized principle which has been applied so successfully by the big corporations in the interlocking of coordinate parts so as to minimize waste and avoid the loss of value incident to the making of the transfer or exchange through the middleman—the only wonder is that with the demand on the part of the public for the adoption of sane business methods in our government we have come so slowly and to such a limited degree to apply propositions which to the business man are axiomatic.

A *preferred market* for the products of the convict's labor is established by this system of transfer: this is simply the converse of the statement regarding the transfer system. No penal institution however extensive can supply from within itself, all

that is required for its maintenance; the amount over and above what it can supply for itself, it must purchase on the open market; the same is true when there are two institutions under a board or a hundred institutions and departments—those commodities, which cannot be produced, must be purchased. The needs of a group of state institutions and departments can be ascertained by the computation of the purchases made for the institutions and departments during a series of years. Variation from this computation would be slight except under an extraordinary circumstance, such as fire, and could be noted definitely in a comparison between the computation of past needs and any adequate system of purchase which the state and cities may have. The possible output of the prisons and other institutions which may be engaged in the manufacture or production of commodities within the system can likewise be ascertained either by former experience of these institutions in the work, or by estimates secured from similar institutions, doing similar work, in other states. From the current needs of the institutions and departments must be isolated those commodities which the system can produce and those commodities which the system cannot produce. What the system can produce which will meet the needs of the institution and departments must be divided amongst the institutions that are to produce these commodities in such a way that the best results from both the educational and economic standpoint can be secured. The margin, which cannot be manufactured or produced, must be purchased in such a manner as to secure the best results for the money invested, either by a central purchasing bureau, or by the signing of releases or some other method of audit which will allow the purchase to be made by the local authorities. The work of *classification* and *standardization* should be completed some time before the commodities are needed, so that the delivery may be not only on time but that the commodities may be on hand and ready for use should special emergency develop. In the matter of outside purchase this forehandedness would allow for the purchase of goods in the most favorable market and the testing of the goods as to quantity and quality before their reception. The preferred market is thereby established for the products of penal industries:

preferred in that it is absolutely assured before the prison begins the manufacture, the element of loss and *hasard* being *eliminated*. On the other hand the institutions and departments, while under the necessity of conforming to standard commodities still have the opportunity to designate the special type of article desired and have it made the standard, thus getting *goods made to order* which is universally agreed to be preferable to ready made. This substitutes for the bargain counter purchase of ready-made goods by the buyer who does not know what he wants until he sees it, the orderly method of exact administration required by big business on the order basis.

Credits between the production end and the consumption end are secured by the bureau placing value on the commodities, the standard being the prevailing wholesale rate, noted by accredited agencies, for the competitive market. If the credits or prices are not literally the prices at which job lots of the commodity can be secured on an advertised bargain counter, they will be the average, normal price of those goods and in the long run conform to the general standards, and if a "convenient" mistake is made by such a board the state itself will not lose thereby for, where there is a common purse, the robbing of Peter to pay Paul has little practical value. The common purse of the state is the treasury; from it, the legislature votes each year sums of money to carry out its will regarding the support of the eleemosynary institutions, the state departments, county and city schools and a thousand and one local, yet state-subsidized, enterprises. The state in loco parentis has assumed a moral obligation to carry on these enterprises, but should it deem it expedient for the best good of the state to discontinue them, it would not only have a moral right, but an absolute duty to do so. To supply the needs of its own creations, the eleemosynary institutions and the departments, the state has created a demand for commodities. The legislature decides which of these needs shall be paid for—it is in the position of a father allowing his daughter money for a new dress or a new hat; they are concessions made by the father to the dependent child. If he cannot afford it, he says so and they are not bought, despite the chagrin of the milliner and the dressmaker. Neither the milliner nor



the dressmaker has a right to complain if the ingenious daughter goes to work and, out of the small allowance for materials which the father may make, devises a hat and a gown for herself or a pair of trousers for her young brother. Likewise no business interest has a right to demand that the legislature as representing the state supply it, through its eleemosynary institutions and departments, with a market for its goods.

The *legislature* may then be said to have a moral *right to supply the market*, which it *artificially creates*, from the product of the labor of its slaves who toil under its direction and at its behest.

Competitive market distribution of the products of convict labor is a more general method than that of transfer or state consumption which has been outlined above. As will be observed upon the map (page 58) in twenty-three states all the surplus product reaches the open market, in sixteen states a part of it does, while in nine none does. General market distribution may be managed either by an individual or a state agent: where it is individual production, the individual naturally sells the goods; where it is state production, the product may be sold directly or upon order to a middleman who puts it on the open market, or it may be sold by agents of the state who go into the market as selling-agents—in any case the goods are placed on the market in competition with other goods which are manufactured or produced by those who employ free labor. Economically the result in the three systems is the same in its *effect upon the market* and they may be considered together. The goods manufactured by free workingmen must be sold at a price which will be the sum of the cost of the material entering into the commodity, the overhead charges and the wages of the free workingman before any profit can be derived. The convict goods have similar cost for material, variable cost for overhead charges, with variable wage or cost for labor. The analysis, if we eliminate the cost of material, shows us that the overhead charges and the cost of labor enter into the lowest possible price at which the sales-agent can sell the commodity. In the manufacture of convict goods by contract—where the manufacturer employs the prisoner in the prison—the building, light, heat

and power are thrown in with the labor, or for a nominal sum of \$100 or \$200,¹ labor is paid at any rate from 6² to 85³ cents per day in factories, or full union wages in certain coal mines.⁴ The efficiency of this labor varies according to the efficiency of the management; to show its actual value as an item of cost would necessitate the careful study of all the financial transactions of the so-called contractors. For this purpose vague estimates by prejudiced informants, like those contained in the reports of the U. S. Department of Labor, are practically worthless,⁵ still the testimony of a certain prison contractor⁶ that the prison population, including the decrepid life termers and the imbeciles, averages two-thirds the efficiency of free labor, cannot be taken as an over-statement of the value of the labor which he bought. This did not take into consideration the possibility of a contractor having the right to punish the prisoner for not doing his work efficiently,⁷ or of such extreme pressure, through strict discipline, that a warden can boast that he has secured greater efficiency from the convicts committed to his institution than is secured in average outside shops, and claim that the prison shops have been used as pace-makers for similar shops throughout the United States.⁷ While the efficiency is probably more than two-thirds that of the average man, there is little to justify the contention that it is less than two-thirds, and furthermore these are the conclusions arrived at in hap-hazard manner by the United States Bureau of Labor in 1905. Should we take two-thirds efficiency as a basis for the daily stint, which is practically the average of what the men can do in a day, we will find a comparison of the price of contract and free labor possible: two-thirds of the wage paid for the average free

¹Maryland House of Correction, *See Appendix I, p. 117.*

²New Haven Jail—Connecticut.

³State Penitentiary—Frankfort, Ky.

⁴Tennessee Coal and Iron Company in Alabama.

⁵U. S. Department of Labor, "Reports 1885-1895-1905."

⁶Testimony of Mr. Henry Pope of the Paramount Knitting Company, Chicago, who has had years of experience in prison industries and had an extensive contract at Waupun, the Wisconsin State Prison, before William Church Osborne and George E. Van Kennan, the Commissioners appointed by Governor Dix to Examine the Department of State Prisons.

⁷Maryland Penitentiary.

man's labor, in the manufacturing industries, must be contrasted with the 6 or 85 cents per day under the contract system. Should all the contractors be forced to pay 85 cents a day they would be paying for work similar to the work of free men at \$1.25 and without any overhead charges. The selling-price of convict goods must be the sum of the cost of material, the cost of labor at \$1.25 a day and the cost of supervision. The cost of the free product will be the cost of the material, the overhead charges, the cost of free labor and a similar cost of supervision. Convict goods can therefore be sold at a price below that of the products of free labor in proportion as the overhead charges and the difference in the cost of labor enter in. To meet this cut-rate the seller of free goods must cut the price to meet the price of prison goods. To sustain no loss he must cut the wage of free labor, not only to \$1.25 or to 10 cents, but to as much below as shall allow for the overhead charges. The cut in the wage thus sustained by the laboring man must be met by either a change of occupation, a decrease in the standard of living, or the placing at work of the children in the family; or if the result is disastrous, the placing the family on the poor-list. The price of convict goods can be met by the manufacturer and in some cases is, but with a result to society which is costly indeed.

Even in those coal mines where the union wage prevails and overhead charges are borne by the companies and not the state, we find the wage of free labor affected. The president¹ of one of the largest coal companies has ordered the termination of convict leases because their continuance was unfair to the unions and made impossible the wage movement.

The union labor movement in its attempt to force up the wage and increase the standard of living of the working classes has met with bitter opposition this tendency of prison made goods to force down wages. In the early days of unionism in 1823 this opposition manifested itself and has continued through all the developments and phases of the union movement.² In

¹Crawford, G. G., President, Tennessee Coal and Iron Company, *Survey*, Jan. 6th, 1912.

²Reported in *N. Y. Mechanics' Gazette*, May 17th, 1823.

1834¹ the Albany unions pointed out clearly that their opposition was to the difference in wage, or the cost of labor, in the production of free and convict goods, and not to the goods themselves. The great difficulty for the union man, of the type which dominated the union forces before the present national movement developed, in analyzing the situation on the basis of abstract economics often led to a blind opposition to the only tangible thing which could be reached by the methods in hand. Through the ballot and the legislative lobby the unions made their desires known and a number of *methods* were devised as a means of *lessening* the *competition* and the injury therefrom. *Limitation of output* in lines affected was the prevailing remedy, *based on* the theory that where the quantity was small the debasing effect of the goods on the market would be small. As the limitation upon the quantity of output was difficult to legislate upon and in a field in which the union men were not versed, the limitation was placed upon the *number of convicts*² that could be employed on any one commodity and the restriction against the use of machinery.³ Experience showed that the restriction of the quantity manufactured in one state did not have the desired effect of removing the difficulties inherent in the open market competition: when a line of goods was restricted in one state, it was almost sure to be introduced by contractors into another state, so that after some years of development of this sort of thing the combined output of the prisons in the several states in any special line was greater than if all the convicts of any one state were to work upon it. Again as soon as the prison shops had attained efficiency great enough to really produce the quantity, the quantity was limited by legislation prohibiting the continuance of that special type of industry. As one industry after another was tried in the prisons and exterminated by union pressure upon the legislature, only the unorganized trades were left. These unorganized or women's trades when the local trade union gave place to the Knights of Labor were attacked as being inimical to the general good of labor. Limitations of a

¹New York State, Ass. Doc., 1834, No. 289.

²Laws of Pennsylvania—Brightley's Digest—1903—Sec. 4.

³Laws of Pennsylvania, 1903—sec. 6.

geographic type were also tried and the prison manufactures limited to lines of goods imported into the country,¹ but as the introduction of the industry into the prison proved that it could be conducted with American workmen, the result was the introduction of the industry into the United States; the same was true regarding the *prohibition of the manufacture of any goods* which were being manufactured *in the state in which the prison was located*,² while the possibility of introducing an industry into the state, even where it was not actually introduced, tended to make the duration of the prison industry too uncertain to risk its development, either by the state or a contractor under the competitive market system. Again the "*prohibition of the sale of the convict goods in the state in which they are manufactured*"³ simply resulted in exchange of markets and an extra haul for the goods but did not drive the convict goods out of any market. Finally the scheme of *branding* the goods "prison made" or requiring *license* for their sale has been tried in thirteen states and declared unconstitutional either on the basis that the branding destroyed value in the goods and thus deprived an individual of property without due process of law, or on the basis that the license was in conflict with the interstate commerce law. Where the state imposed either the branding or licensing law upon its convict goods, it was found that the goods were simply deprived of a certain amount of value and that, unless the law prohibited the sale of the goods, which was the real intent of branding and licensing, the end sought by the interests demanding this type of legislation was not secured, and the result was simply a financial loss to the state. So far no court has upheld the branding or licensing law constitutional,⁴ which affected the goods of states other than the one in which the law was passed, provided they conformed to the interstate

¹Eaves, L. C., "California Labor Legislation," p. 359, *University of California, Publications in Economics*.

²Idaho, Codes 1901, See 5821; Michigan, Constitution, Article 18, Sec. 3; Utah, Revised Statutes, 1898, Sec. 2257.

³Reported to have been included in Rhode Island contracts previous to 1903.

⁴157, N. Y. L., "Hawkins Case."

⁵New York State Department of Labor "Bulletin, March, 1910," p. 58.

commerce law.¹ There seems likelihood however that the "state use states" could enforce the law regarding licensing or branding if Congress should pass a law, similar to the Wilson Liquor Law, restricting the interstate commerce in these commodities and allowing the states to place their own penalty upon the sale. Further restriction is found in the prohibition by Congress of the introduction of foreign convict goods into this country and the government order promulgated by Pres. Roosevelt that the national departments should not buy convict goods.² Attempts have been made to confirm this order of Pres. Roosevelt's by legislation in Congress, both by separate act and by the limitation of such goods in interstate commerce, but as yet no such bill has passed Congress.

All these attempts to limit production and the exchange of prison commodities have aimed to destroy legitimate value and are economically wasteful, but have been justified on the basis of the disastrous effect of convict goods on the competitive market. The fact that they have failed in their constitutionality and before Congress is due to their aiming blindly at the evil and not making clear that it lies not in the convict goods but in the unfair competition. The local market is so very sensitive that it can be broken by even small quantities of such goods if thrown intermittently upon this market, especially when the identity of the goods is concealed. The pressure downward bears down the price and thus the wage, as we have already shown, producing disastrous results upon the working people. Methods have been devised by agents to conceal the identity of prison goods by mixing these goods with other goods manufactured in free factories; for instance, the output in the boot and shoe line has been absorbed in the output of certain free factories, either by direct incorporation or by isolating certain specific lines in which prison manufacture is allowed. Where there is incorporation in the main stock, the seller of the whole line is able to use the special advantage of cheap labor in the prison goods, not only in that line, but to average it throughout the whole line he carries, thus spreading the evil and producing a very powerful and dangerous force. This again is true in

¹Sixty-first Congress, 1st Session—H. R. 12,000.

²Navy Department—Form A.



POLISHING THE PRODUCT.

the case of direct order houses where the averaging of prices adds to the great efficiency secured by the cutting out of the middleman. One instance alone seems to have been worked out where disastrous competition is said not to result; it is where the goods have been so standardized and the prices listed for a long period so that the free manufacturers have adjusted themselves to the circumstance and have left this line entirely to the prison. By this means all competition has been done away with but it would be interesting to know what the result would be if the principle embodied in the Sherman Anti-trust Act should be applied; it would either prove a violation of the spirit of the law or that there was really competition of an insidious kind which did not appear upon the surface. In the hollowware line there seems to be extermination of competition by the non-existence of the industry outside of the prisons.¹ In the chair industry, as it exists in connection with one institution,² there is no doubt regarding the actual competition, though a local concern³ engaged in this industry claims that the competition does not affect it as it does not make that line of goods. But while there is an arrangement between the prison and the factory in this particular, which avoids local competition, the competition with the other manufacturers of the country cannot fail to be the same as is found in the usual competition between free labor and convict labor.

All subsidized institutions having an educational or semi-educational function that have developed productive work to any perceptible degree and have placed their goods on the open market have *encountered this same difficulty* which is inherent in the problem: in the sale of the goods they lower the market prices and injure the laborers in the community. The defence of the laboring classes, whether farmers or artisans, against this destructive competition has been by legislative enactment. An example is found in the best trade school⁴ in this country where the inhabitants of the county have prohibited the sale of the

¹United States Commissioner of Labor, "Report 1905," p. 126.

²The Detroit House of Correction.

³Murphy Chair Company of Detroit.

⁴Hampton Institute, Virginia.

products of the institution in the county by means of a requirement licensing all persons engaged in barter and excluding from such category educational institutions.¹ Thus the trade school, to sell its goods, must become a manufacturing institution and relinquish its educational charter, while with the relinquishing of the charter all state appropriations and individual donations revert to the source from which they came. Despite the great agitation for state industrial schools of a productive type, the development has been almost imperceptible in that direction, due, it is confessed by the industrial education experts engaged on the problem, to a failure to adjust their educational ideas to the practical difficulties of disposing of their goods so as not to affect the market and thus antagonize the labor unions.

The crux of the difficulty lies in the practical impossibility of *securing in a competitive market a fixed market price*,² arbitrarily established, for a certain amount of commodities sold on that market. The suggestion has been made regarding the prison industries and has been incorporated into law for certain trade³ schools that the goods be sold at the prevailing market rate, but in reality such a thing is impossible. It supposes that in a competitive market, a certain part of that market can be taken out of competition and yet the freedom of intercourse between this competitive and non-competitive market be sustained—this is an economic impossibility. Yet the severance of intercourse between the competitive market and the non-competitive market regulated on the average of the fluctuations of the competitive market, is a possibility and satisfies the conditions desired, provided some method can be devised whereby the goods can be made to flow through the non-competitive market. While this ideal may seem impractical and impossible, under individualistic control, where the source of the commodities is state factories and the consumers are state dependents this condition is obtainable.

The *ideal solution* of the problem of the market which is

¹Virginia, Tax Law, 1903—cl. 45.

²Brandeis, Louis D., "Address before the Senate Committee on Interstate and Foreign Commerce, Dec. 14th, 1911." *Reported in New York Times, Dec. 15th, 1911.*

³Manhattan Trade School, New York City.

impractical of realization under individualism becomes practical and adequate when the state assumes its correct function as comptroller of its various parts. We therefore find that whether we start from the state or civil standpoint and endeavor to obtain efficiency, or the individualistic or private standpoint and endeavor to obtain fair competition, the solution lies in the standardization of commodities and their exchange between one department and another of the state on a wholly *isolated market*, at a price as near as possible to the mean of the fluctuation of the outside competitive market.

Socialism, placing any construction possible upon that term, is *foreign to this solution*, though in no way either opposed or encouraged by its working out. The isolation of any parts of a body, as the atoms in the air from the rest of the air, may limit the area in which the parts can circulate but tends in no way to restrict the rapidity of the motion of the parts. To say that a child under fourteen years of age cannot enter into the competitive business life of the community does not change the competitive system into which he may emerge at fourteen years of age. To say that the dependents, the aged, the sick and the insane, should be isolated and protected from being exploited or exploiting the community in general is not to overthrow the present industrial system. The isolation of the state factories and state use market from the general competitive market is not only part of the same movement, but is the direct result of it and has the same relation to the economic system today as have these other phases of the problem.

A phase of socialism finds its expression in one angle of the prison labor problem, and in a condition necessarily foreign to the solution of the distribution problem outlined above; it is the establishment of a factory system under government management, not for the purpose of securing productive work for the convicts or producing commodities for the government's consumption, but that *governmentally subsidized industries* may represent certain citizens of the community in their struggle *to control* the so-called *trusts*. The use of the convict in this connection is not only secondary but absolutely incidental, though it is made the basis for avoiding the constitutional diffi-

culties inherent in the proposition in certain states.¹ It has been pointed out that the successful establishment of such subsidized manufactures, similar to the state subsidized industries of Germany, will tend to demonstrate that the state's ownership and operation of industry is more beneficial to the public weal than the present individualistic and competitive system.² Whether or not this is true the present discussion has not under consideration; whether or not the establishment of these state subsidized industries will lead to a broader adaptation of that principle is not under discussion; but sure it is that the use of the convict to this end is simply a subterfuge and a method of avoiding the real issue involved. If the farmers of Minnesota desire a twine factory to aid them in their fight against the large twine manufacturers and desire the goods to be sold, as they are at present, one-fourth cent a pound under the price established by the so-called trusts, they should take the necessary legislative action, or, if that is impossible because of constitutional difficulties, should take action to amend the constitution so that they could force the state government to conform to their desire in this connection, and stand by the principles enunciated in such action. To use the convict and a so-called philanthropic or humanitarian motive as a substitute for clearly defined expression of political principles is to descend not only to deception, but to prove unworthy of suffrage which is based upon the assumption that it will be a direct expression of the honest will of the public regarding the actions of duly authorized state officials.

The efficient development of state governments, in counter-distinction to the strongly developed centralized national government has never been a socialistic doctrine per se, but has been the doctrine of the believers in states rights. The solution suggested and at present inaugurated in a number of our states carries that doctrine to its logical conclusion. To the believer in the *centralized national government* another element of distribution possible under the conditions laid down can be found either in the suggestion of *exchange of surplus com-*

¹Indiana, Kansas, Michigan, Minnesota, Missouri, N. Dakota.

²Seager, H. R., "Address," *Proceedings of the Academy of Political Science*—vol. II—no. 2.

modities between the several states or between respective states and the national government. In the largest states such as New York¹ where there is at present a market of \$20,000,000 of needed goods to be met by \$1,000,000 worth of prison products, it seems unlikely that there will ever be a surplus for trading with other states; but between a small agricultural state, with few eleemosynary institutions and weak state departments, and a small industrial state, with as few institutions for consumption of the prison products, a possible exchange, either directly or through such agencies as the Governors' Conference or some semi-official bureau which might come into existence for the purpose, might be made effective and desirable. Likewise between the state and the national governments there might be a purchasing system for the great quantity of supplies and commodities necessary for the army and navy, the national service and national departments; and the appropriations from Congress might be made directly to the respective states to pay for the goods secured, on a basis similar to that on which Congress has provided for many years for the support of national prisoners in state prisons.

The market of the states and subdivisions of the states in their inter-relation one to the other, plus the great market available through the *national government can ensure a non-competitive market* for the goods of the prisons—as we hope to see them, run with a maximum of efficiency—and also for the products of other eleemosynary institutions and of industrial training institutions, which the trade school system is bound to establish through the length and breadth of this land.

¹Final Report of the Commissioners to Examine the Department of State Prisons, New York, 1911.

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PART VI
THE EDUCATIONAL PROBLEMS.

CHAPTER IX.

THE WRECK.

The Education of a Criminal.

The Warden, the Contractor and myself occupied the office when the prisoner, hat in hand, appeared at the door. "Come in and sit down, John," said the warden. "I have been telling my friend, the Doctor, that this prison isn't like the other prisons and that we look out for a fellow in here. Now the Doctor would like to know about it; don't you suppose you can tell him?"

"Well, Warden, I couldn't have a week ago but I guess thanks to you I can now—my hand's better," and he held up his hand which only shook a little. 'I'm getting my nerve and I'll fight it through now that you are helping me. You see, Doctor, as the Warden says, the whole difference between this prison and others is I thought I could trust 'em and tell 'em the truth and they'd help me, so I sent for the Dep. and owned up. He brought me to the Warden, and I'm resting on him and maybe he'll make me well to go back to Mother."

He was a refined-looking fellow, thirty-five years of age, light hair, clear-cut face which his plain prison garb did not rob of its refinement. With an occasional question from the Warden and a word of encouragement now and then from myself, his story came somewhat this way:—

"I had a good family and Mother, but I got down in Chicago on the bum, selling papers and running errands for the messenger service, in and out of the joints, early and late, and natural I picked up the dope. It came easy then and I used to get wandering with it and each time I wandered I got in trouble. The first time they sent me to the "Home" in Illinois; it's a good place and well run—big folks supported it with their money, and yet somehow I didn't care much about it—they all slept in a big dormitory—everything went the same every day and nobody seemed to care about me—no one got to know me.

Finally my time was up; I was well from the dope though nobody ever seemed to know I'd taken it. They got me a job in Chicago and I went over there. A few weeks in the old town and somebody gave me a taste of the old stuff again and—I got sent to Chester for doing something. Chester was just a reformatory, and we boys were machines—yes, we did knitting. You know the people down there, Mr. Contractor? They just ground out the work, and we got as much dope as friends could slip in to us—we bluffed it along, we fellows, until the time was up.

“Back to the town again—two weeks of work and—the same old dope. Mother never knew; she thought I was part crazy; she never guessed it was dope and I never dared tell anybody. I couldn't trust anybody—I mean nobody to take care of me. So it's been ever since. You see, sir, if you've never taken dope you don't know what it's like—and then things are always happening to get you into trouble, and get you back to jail again.

“Yes, I did my term at Fort Madison. Oh, it's a hell of a hole! Just run by the contractors—the warden can't call his soul his own. Dope! Yes, I got it there and over at Joliet—well, there's a place you never see the warden. He sits in the office and smokes cigars and talks politics. Say, the real warden is the little woman in the rear room—she's a corking fine fellow, and knows everybody, 'cept the politicians—they say she can't vote—but she sure runs the prison and that fine, too, considering everything. Well, they throw's the dope there, too, and when you know how to get it, there ain't much trouble. But you see when I got down to Jefferson City I thought I'd give up and send for the doctor, and tell him all about it and see if he couldn't help me. I heard they had a doctor and I thought maybe he'd be a good fellow and help, and I couldn't see how I could stand it any longer. But then, you see, I got lost this way. They put me in a receiving cell, and I laid down for a couple of hours waiting for him to come. While I was waiting there thinking I would tell the doctor, a runner came through—one of the trusties, they always bring news. “Hist!”

he signaled, did I want anything—no—did I use the dope—if I did, he'd get a barrel of it for me. What! good dope and so easy—getting signals the first two hours—well, this is better than the doctor—so I broke in again. I soon realized that down there in Missouri it not only leaked in, but the contractors gave it; you see, they wanted extra work and a fellow who's down and out can work better if he gets the dope.

"Jefferson City is just work and dope. Yes, we made saddletrees and shoes, but the contractors got all our money away for dope and commissary—there wasn't any use working without it, and you never had anything when you got through."

"Were you ever punished?" asked the warden.

"Well, I should say so—yet some of them niggers need it. You see punishment is a different thing with different people. Now, you can cowhide one of them niggers, and they don't really feel it, 'cause they only feel the cowniding. It's different with some of us—the lashing didn't hurt, the welts lasted two or three days—in a week they were gone—but it was the conditions of it."

"How do you mean?" I asked.

"Well, 't ain't pleasant describing, but it's this. When you are to be whipped you are called on line when filing out of the shop—one of the foremen makes complaint. Then you are taken into the yard—all the deputies are round the wall—everybody is staring at you—two little coon convicts come out with their switches and they tell you to go over to the post—a deputy ties your hands above your head—then they strip you—it's that that hurts, to be there with all those eyes looking at you, cold and clammy, with the two black coons with their whips. It breaks your spirit. What's the use of trying to be anything but a brute—it's all animal—you are just an animal. Let on the lashes, they're the best part of it; they don't hurt the soul. The sooner they're over, the disgrace is over. The welts will take care of themselves and heal in time, but never the pride, never the soul of the man. What is it for? I don't know. It makes life not worth living—it makes you a brute. And why is here better than Jefferson City? Well, they think of a man's

soul here—not prayer meeting kind, but you see I could come and tell the Warden, as I am telling you—tell him all about it, as I’m telling you. I think the Warden is going to tell Mother, so she’ll understand, and maybe she’ll help me when I get out. Do you think I can get better, Doctor? You kind of look as though you understood. Yes—and you’ll really be interested to know? Well, you bet I’m going to, for you see the Warden cares, and oh, Doctor, if that fellow down in that first home where I went had only cared, and somebody in some of the institutions had only cared, I wouldn’t be here now! But I guess it’s not too late, Doctor, is it?”

As I put out my hand to shake hands good-bye, there came into the young fellow’s eyes a thing which words cannot describe. It was what he lost when he was thrashed. He turned and went out the door.

The warden looked at me and remarked: “He is telling the truth. He has not overdrawn the conditions that exist in prisons of this country and the lack of help, which is everywhere.”

This is printed with the consent of the warden of the prison in which the prisoner was confined and with his statement that it is correctly told.



THE CONVICT HIS OWN CONTRACTOR.



WILD OATS THAT MADE A GOOD HARVEST.

GEORGE JUNIOR REPUBLIC.

CHAPTER X.

THE EDUCATIONAL ASPECT.

Industrial education—modern penological thought—eugenics—modern education, control of the wayward activities of the individual. Work to some attainable end—occupations available in the community—choice of work for institution—educational need—economic need—practical educational value. Selection of man for special type of work—large number of small industries. Interest in work—physical punishment—stint with wage—state's control—book learning—social intercourse—shortening of period of incarceration—best results through combination of incentives. Residential trade school.

The reform of the wayward is the aim of modern penology. This wayward type must be so changed by proper *industrial education* that conformity to the standards of modern community life is possible. The correction of the physical disability, whether congenital or acquired, is to be secured by the adaptation of those most approved principles of medical, surgical and psychical operation and by the prevention and suppression of the repetition of such phenomena by the methods of modern *eugenics*.¹ There is still inherent in the practice of the physician or eugenicist a large number of cases with ailments which cannot be met by any known process of medicine and its allied arts, and which the regulations of eugenics, expressing themselves in vasectomy² or other mutilations, would only make more desirable for incarceration or custodial control. The more refined our social usages become, the greater will be the number to whom conformity to these usages will prove impossible. While the absolute extermination of this type may eventually be secured through isolation, non-propagation and the suppression of their contaminating influence and finally death, still for many generations there must be a large number of these persons held as public charges over which the state must have absolute control, if not for life, for such a period as shall ensure elimination of the danger to

¹Lombroso, Caesar, "Crime, Its Causes and Remedies," pp. 337-9.

²American Society for Moral and Social Prophylaxis, "Proceedings, Dec. 13th, 1911."

society from their freedom. During this period of incarceration, or custodial care, the constant endeavor of the state must be toward development in proportion as such development is possible—for the active young man of but slightly criminal tendencies much can be done, while for the gray haired reprobate little of educational value can be secured. The principles underlying the education which must be given in the penal institutions need be in no way foreign to the underlying principles of all *modern education*.¹ All education to-day is realized to be the *control of the wayward activities of the individual* so that they are brought into as perfect a relationship with the social environment as possible; the training must be through actual contact with environment, and the school itself must not be isolated mentally, though it may be physically, from the general social environment: this conceives of the school in that broad sense in which it is a part of the community in which the more mature help the less mature to develop themselves into a more perfect harmony with their social and spiritual environment. Development and self-expression in work is inherent in this modern doctrine,² while not only the developmental value but also the practical value of the use of interest becomes essential.³

A penal institution cannot better serve its function, as viewed by modern penologists, than to incorporate into its activities the fundamental basis of modern education. *Work to some attainable end* must be the fundamental purpose; the individual's interest in the work must be secured so as to hold the attention and produce the best result by a definite end, made tangible, as a logical result of a sequence of actions having in them value out of which the end can grow. The end must be immediate and again distant, and must be apparent both to the individual prisoner and to his master. Work which brings a slight reward, in tangible form, immediately to the individual will tend to bring from him exertion and perfect him in the operation, whether the

¹Howerth, I. W., "The Social Aim in Education," *5th Year Book National Herbart Society*, pp. 69-108.

²Dewey, John, "School and Society."

³Dewey, John, "Interest in relation to the Will."

reward be the completion of some article which may be possessed by the individual, or simply a sign or token—a plug of tobacco or a small coin which can be put to immediate use. The more distant end requires the work to be such that at the completion of the term set, the convict shall have attained mastery over the material and himself, and have learned an art which may be used to definite ends in the future. The choice of work must therefore depend primarily upon its value as an aid after discharge, and as an aid to securing discharge from the institution. *The occupations available in the community*, in which the type of individual being trained could be employed, must be ascertained in a penal institution as definitely as in any training school. Practically every community conducts industries providing for the ordinary household wants of man, clothing, boots and shoes, baking, farming and the like; while in some communities special industries predominate and create demand for certain types of labor, some for men and some for women. *The choice of work in the institution* must therefore be along the line of the general household wants and the particular or special type of industry in the community. The manufacture of commodities for household and personal consumption has value from the educational standpoint and it is just those commodities of which the “state use” market has need. It is possible therefore to so adjust the *educational need* and the *economic need* that they coincide. The type of industry which meets the educational need of the prisoner may be either within the first or second group. Should the type of commodity to be produced be such that only a small quantity could be consumed by the state and the subdivisions of the state in proportion to the production necessitated by the need of educating men along specific lines, a more difficult problem is presented—farm products, boots and shoes, and textiles might be examples. It has already been pointed out that in a great state like New York,¹ with its many industries and many times greater demand for the prison goods than the prisons can produce, little difficulty is experienced in such an adjustment.

¹Final Report of the Commissioners to Examine the Department of State Prisons, New York, 1911.

In a distinctly agricultural state, or a state with one dominant industry, the difficulty may very definitely present itself. The fact that there are certain definite localities for certain industries suggests interstate commerce of their products and makes necessary the suggestion of exchange between states on some basis similar to the one outlined in the last chapter. The amount of such interchange necessary to meet the educational ideal would not be great, and probably would not affect the educational status vitally if it were not resorted to at all. Again the difficulty might be met by dividing the industries into their own subdivisions—as agriculture into dairy work, herding, road-building, wagon-making and a thousand and one jack-of-all-trades which a successful farmer must know. It is probable also that even in a manufacturing state, such as Massachusetts or Rhode Island, the farm work, with its manifold sides, would have more *practical educational value* than either textile work or boots and shoes and should, according to educational standards, be substituted for them. Certain it is that the inter-state exchange is practical and possible but will possibly not have to come because of the need of the penal institutions, but because of the need of the trade-schools of a non-penal character, or because these trade-schools will in the near future add and multiply the difficulties of trade education in the present penal institutions.

The selection of the man for the special type of work must follow the selection of work for the institution. The man's previous experience and training must naturally be the basis for the selection and the work in which he is engaged be either identical or similar to that in which he has formerly been employed. But the man's previous occupation must be so bent to his work that he will be assured of a job upon leaving the institution and the matter of adaptation, difficult as it may be, must be gone through in the penal institution rather than after leaving the institution. The requirement of a *large number of small industries* therefore has a distinctly educational value in that they are much easier to adapt both to the man's work before coming in and to what he will do upon going out.



CUTTING.

Interest in the work is absolutely essential if results are to be secured: the prison contractors have endeavored to secure this interest by a variety of experiments and with results that prove the contention of the educator. *Physical punishment*, such as the water-cure, straight-jacket, and the solitary, together with the lash, have forced men through fear to labor, but to labor in such a way that they require constant guarding so that they do not destroy material or wreak their vengeance upon some instructor or overseer. The *stint with wage*, as suggested by Lincoln, has been substituted for the severe punishment with the result that efficiency is secured.¹

The stint is supposedly the average that the convict can do, though often it is the average of a grade, the grades being regulated by the physical ability of the convict. Some institutions² make allowance to the convict in wage for the stint and also for overtime, while others only allow for overtime. A more ingenious device is found in the movable stint where the men increasing their output over the previous day are allowed extra tobacco, while all the men are graded according to their output, and those ranking among the first fifty per cent. are permitted to receive dividends based upon the output of the whole shop and an extra dividend is given to the first twenty-five.⁴ While in the instance where this scheme is in vogue the dividends paid are only a fraction of the profits made by the contractor as the result of the speeding up, and are the difference between what the state should receive and what the state does receive under the system, it illustrates a method of getting results by the securing of interest through a tangible reward, even when the reward is not commensurate with the work. The sending of the earnings to wife and children adds greatly to the interest and is a further incentive for good work. One institution pays the boys the supposed value of their labor and requires the boys to pay regularly a certain amount for board and lodg-

¹Page 9.

²Maryland, Baltimore City Jail; Wisconsin, Reformatory, Green Bay, etc.

³Wisconsin, Waupun Prison; Maryland State Prison, etc.

⁴Rhode Island, Howard Prison.

ing.¹ Other institutions limit the use of the money to commissary,² washing, or extra shaves,³ while the George Junior Republic⁴ combines all three features in the natural use of money earned.⁵ The Iwahig Penal Colony in the Phillipines presents a complete industrial community.⁶ The substitution of the *state's control* for the contractor's control is another subtle method of securing interest. Another incentive is the Saturday half holiday for baseball games between the shops—the prison contractor who originally suggested this did so because he found results of financial value to himself. Furthermore the band playing on the parade ground does not lessen the speed of the operative's work. What other devices for producing interest in monotonous work will be introduced in the future will depend upon the careful study of fatigue, the opportunity for which this field opens new and attractive vistas.

Book learning is limited in the penal institutions to-day to the English courses in reading, writing and arithmetic,⁷ to the use of the library⁸ and to permission to take correspondence courses.⁹ The correlation between the industrial training and book learning appears to be unknown—the introduction of moving pictures¹⁰ into the prisons explaining industrial life is the first real step in that direction, while plays have been given by professionals within the prison walls.¹¹

Social intercourse between the prisoners has been developed with the growth of the industrial system, and the falling-away of the solitary system. The relation of convicts to each other and the foreman in the workshops, on the farm and in the mines is similar to those of ordinary free workingmen. In the South-

¹Wisconsin, Reformatory, Green Bay.

²Michigan, Jackson Prison.

³Maryland Penitentiary.

⁴George, William, Jr., "The George Junior Republic, Its History and Ideals," pp. 1-326.

⁵Snedden, D. J., "American Juvenile Reform Schools."

⁶Lamb, C. H., "Unprinted Report."

⁷New York State, Sing Sing Prison.

⁸Maryland Penitentiary.

⁹Minnesota State Prison.

¹⁰Kansas State Penitentiary.

¹¹California, San Quentin Prison.

ern coal mines the miners are free to hob-nob while at work in the mines and in the evening lounge about the verandas in their striped suits and room together in the big dormitories.¹ The evil results are in proportion to the lack of supervision—good supervision may make this seeming evil to work for good.

*Shortening of the period of incarceration*² is the result of good work in many institutions and especially on road work, and certain it is that the indeterminate sentence in which release is based upon the growth of efficiency in the convict cannot fail to secure the interest desired.

The best results would naturally be obtained *through a combination* of a number of these *incentives*—all of which might well be applied. These should include shortening of the indeterminate sentence, the grade system in respect to clothing, food and lodging, and money reward with use of the money reward to certain definite ends. The indeterminate sentence should be really indeterminate and his release depend upon the actual development and self-control acquired by the individual prisoner. The grading should be based on those outward signs of good conduct which are apparent to the general community in the prison, and the money reward should be in proportion to the productive value of the goods.

A residential trade-school, in which there is control by the head of the institution of the individuals who make up the school, seems to be the type of community toward which the penal institutions are heading, with the emphasis on the educational value of the work but with productive work for the state. The environment must be controlled but need not be artificial or dissimilar from that of a normal community where the spirit of the community life tends ever to the improvement of the individual, and there is a realization that the most selfish aims of any individual to free himself from the restrictions can best be at-

¹Survey, Jan. 6th, 1911, p. 1547.

²U. S. Bureau of Information, Circular of Information—no. 16, 1875—p. 44.

CHAPTER XI.

MOVEMENTS FOR REFORM.

Organized movements for penological reform—American Prison Association—National Conference of Charities and Correction. Propagandist associations. New York State Department of Labor. National Committee on Prison Labor. National commission.

Organized movements for penological reform have not been lacking. The actual conditions in the prisons made known by personal experience to such reformers as the Quakers¹ naturally led to the appreciation of the need of organized reform. The movement to evangelize the unfortunate inhabitants of these places sent preachers and workers into the prisons to carry a spiritual message and their protest against the conditions found reached the ear of the community. The organization of these elements into associations which would do a personal work for the convict has been the result. The rise in 1776 of such an association in Pennsylvania was followed by a similar organization in London in 1815, in France in 1819, in Boston in 1824 and in New York in 1846. These prisoners' aid associations were given power from the state to do what was necessary to aid the prisoner to a better life, and through their activities religious work in many of the prisons has been introduced and carried on and the moral conditions improved. Reforms of administration have been brought about through the moral betterment of the institutions, and the moral influence upon the prison administrators of these friendly visitors has done much to prevent malfeasance in office. In the reports and magazines published by these organizations the industrial side of the prisons is touched upon often, and definite investigation and work for betterment of conditions was pushed for a limited time, but the pressure of work of a personal nature for the convicts left little or no time for development of this phase of work which was secondary to the aims of the organizations. Their failure to accom-

¹Peirce, B. K., "A Half Century with Juvenile Delinquents," p. 31.

plish results in this industrial side finds its parallel in the charitable work down to recent times, when the emphasis was placed upon work for the individual rather than upon the reform of industrial conditions.

The earlier societies were followed by a number of similar organizations for the aid of prisoners in various parts of the country which struggle on to do the local work, coming together once a year for the discussion of methods in the American Prison Association, which acts as a get-together for the prison administrators and officers of these prisoners' aid societies. Its work is that of conference and follows the usual lines taken by associations of factory inspectors, chiefs of police and other civil officials who find it mutually advantageous to meet and get acquainted. The result is the creation of interest to some degree in the problem itself in the political appointee who has come to office with little training and no specific knowledge. The reputation of good administrators thus reaches beyond the state in which they are located and transfers to better positions are sometimes the result. The inclusion of all persons connected in any way with the prison administration naturally makes eligible for membership the business man who is a prison contractor as well as the expert in prison building and the salesman for companies doing large business with prisons in respect to commodities. An opportunity is thus offered to the new political appointee to come in contact with men whom it will be to his personal advantage to know. This association joins with similar associations from other countries every five years in an International Prison Congress.

Under the impetus of the first burst of enthusiasm the incorporators of the *American Prison Association* in 1870 passed a remarkable platform and statement of principles upon which they anticipated that the association's work would be based, hardly realizing that the rapidly shifting membership and the lack of any machinery in the organization for anything but a "talk fest" made such resolutions of little real value except as something to be shown perspective members and the association's critics.

Prison labor was a matter of resolution by these founders, who held:

"Industrial training should have both a higher development and a greater breadth than has heretofore been, or is now, commonly given to it in our prisons. Work is no less an auxiliary to virtue than it is a means of support. Steady, active, honorable labor is the basis of all reformatory discipline. It not only aids reformation, but is essential to it. It was a maxim with Howard, 'make men diligent and they will be honest'—a maxim which this congress regards as eminently sound and practical.

While industrial labor in prisons is of the highest importance and utility to the convict, and by no means injurious to the laborer outside, we regard the contract system of prison labor, as now commonly practiced in our country, as prejudicial alike to discipline, finance and the reformation of the prisoner, and sometimes injurious to the interest of the free laborer."¹

The American Social Service Association undertook the discussion of the principles of prison labor in its meetings.² These discussions were from the broad standpoint by men of eminence, but the need of definite and special work upon this and a number of other equally important subjects dealing with the eleemosynary institutions led to the calling of special conferences in connection with the social science society; thus developed the *National Conference of Charities and Correction*.³ The recurring discussion in the annual meetings of this association has created a sentiment for constructive reform, but the pressing needs for agitation from a still larger viewpoint for the establishment of central boards of control and the elimination of politics from all eleemosynary institutions, has left the definite propaganda connected with prisons for some definite propagandist association to undertake.

Propagandist associations for dealing with the industrial phases of prison reform are not new or limited to this country. As early as 1878 England had a prison labor reform association

¹Declaration of Principles, American Prison Association 1870—Sec. xvi-xvii, *Prison Reform and Criminal Law*, p. 41.

²Journal of Social Science—Vol. VI.

³Proceedings, First Conference of Charities—New York, May, 1874.

which investigated conditions and worked for the lessening of competition with free industries by the employment of prisoners on public works and ways. Germany imitated England two years later with a prison Society for Public Account which seems to have been responsible for much of the reform inaugurated in the German prisons at that time. In America, organized labor¹ continued its propaganda for years without co-operating with the penologists, the manufacturing interests, or the public, but in 1886 the National Anti-convict Contract Association was organized which took for its propaganda the defence of the market by the curtailment of the contractor's ability to sell the prison goods. It advocated the branding of convict goods, or the requiring of license, and introduced into the state legislatures and Congress bills restricting sale. Realizing the significance of such legislation and the result which would follow from the absolute curtailment of the contract system, at that time almost universally in vogue, all the wardens of the country were called upon to bring their influence against the bill in Congress and, despite the power of the National Anti-convict Contract Association and the Knights of Labor, the prison wardens and the contractors, who brought influence to bear, stopped Congressional action. The agitation led to the introduction by Mr. Brockway at the meeting of the National Prison Association in Boston, July, 1888, and the passage of the following resolution:²

"That the Executive Committee of this association confer with the governors of states throughout the Union and with their concurrence call a conference to be held at such time and place as may be thought best, early in December of this year, to consider the prison labor problem."

The resolution found its place alongside the resolutions passed by the same association in 1870 and was marked by a tombstone, not a milestone, in the progress of the society's history.

The labor reformers, headed by John T. McDonough of New York, brought forth in the State Convention of 1894, a constructive program which, as we have already mentioned, was seized

¹Lincoln, C. Z., "Constitutional History of New York State"—vol. III, pp. 247-297.

²Proceedings, National Prison Association, 1888—p. 65.

upon by Elihu Root and others who made the suggestions a reality, but no record has been left of the influence of any other association than that of organized labor. The solutions suggested by this Anti-convict Contract Association, however, were incorporated into the report of the Industrial Commission in 1900 and continue to be found in the bill annually introduced into Congress to make constitutional the state branding and licensing laws. The promotion of the movement to assure the passage of this bill has been centered in the National Free Labor Association of New York City—an association of the paper variety which has brought to light and published much material exposing conditions in a controversial manner, yet with remarkable force and general accuracy. No attempt is made by this association to disguise the fact that the sources of information upon which its reports are based are supplied by those business interests which claim a just complaint against the contract system in that the injury to their business through the low price of convict goods injures their employees and through them the public in general. The activity of the association in connection with the "National Branding Bill" results in the bill being placed constantly before the members of Congress and the public and—while in itself such legislation is not constructive and is framed to meet the peculiar needs of the manufacturing element of the community—still the association has brought the problem to the attention of the public as did the Anti-convict Contract Association a decade before.

Conference between those to whose attention had been called the need for active reform of prison labor conditions resulted in the filing of a request by the Federation of Women's Clubs with the *New York State Department of Labor* that it investigate these conditions. The report of this investigation resulted in the recommendation by John Williams, Commissioner of Labor,¹ that such a commission be appointed by Governor Hughes, but at the suggestion of the Governor a voluntary association known

¹New York State Commissioner of Labor, "Report 1909," p. 45.

as the *National Committee on Prison Labor*¹ was incorporated and upon its board were those who represented the different phases of the problem and could contribute most. The investigation made by the New York State Department of Labor was continued and extended to be of national scope, and the committee from time to time reported its findings to the labor committee of Congress, the legislatures of special states, the governors and other administrators (see appendix). The committee took up the work which the American Prison Association laid out for itself in 1888 in its resolution for conference with the governors for the consideration of the prison labor problem. The establishment of a meeting of the governors once a year in the Governors' Conference, made possible the calling of the governors' attention to this subject in a way which accomplished results. Thomas R. Slicer, Chairman of the National Committee on Prison Labor, sent the following communication to the Governors' Conference at Frankfort, Ky., November 28th, 1910.

TO THE GOVERNORS' CONFERENCE,
Frankfort, Ky.

Gentlemen:

The prison industries in the different states present one of the most difficult problems with which governors have to deal, and by which the efficiency of their administration is often put to a test. Failure in prison administration is sure to result in the friction between free labor and prison labor which so often is an underlying cause of political discontent.

The lack of reliable information as to conditions in prison industries became apparent to the National Committee on Prison Labor while conducting its investigations and was reiterated at the International Prison Congress recently held in Washington, D. C. Until this information is made public through accredited agencies no adequate solution of the problem is possible.

¹Organization Committee:

Thomas R. Slicer; Helen Varick Boswell; Mrs. J. Ellen Foster; R. Montgomery Schell; Leslie Willis Sprague; Mrs. Eva McDonald Valesh; E. Stagg Whitin; Miss Mary Wood.



THOMAS R. SLICER.
Chairman, National Committee on Prison Labor.

The time is ripe for a nation-wide study of the subject. The following recommendations may therefore be in place:

First, that reports of penal and correctional institutions include full information regarding these industries, while contracts for the employment of prisoners be considered public documents.

Second, that a commission be created to complete the work of the United States Industrial Commission of 1900 by investigating the conditions under which industries in the state and county penal institutions are being conducted and by recommending a constructive policy for penal administration which shall ensure justice to both the free and the convict laborer.

Trusting for favorable consideration of these recommendations, we remain,

Respectfully,
For the Executive Committee,
THOMAS R. SLICER,
Chairman.

From the National Committee on Prison Labor.

The matter was placed on the program of the next annual conference at Spring Lake and resulted in the preparation of a symposium by Governor Mann of Virginia¹ and the compilation by the National Committee on Prison Labor of Party Platforms, Governors' Messages and Legislation of 1911 in regard to the subject.² Governor West of Oregon prepared an able paper, and the discussion at the Conference resulted in the cooperation of the governors in the general movement for reform in this direction. The results will find their direct reflection in the recommendations of the governors to their own legislatures and the ensuing legislation.

Nation-wide agitation is the direct result of such a Governors' Conference; the indirect result is the bringing to the attention of the national government the need for broad investigation upon its part. The United States Attorney General, Hon. George W. Wickersham, recommended in his annual report of 1911³ to Con-

¹Hardy, R. B., "A Digest of the Laws and Practices of all the States of the Union in reference to the Employment of Convicts," *published by the Superintendent of Public Printing, Richmond.*

²Appendix II.

³The Attorney General of the United States, "Annual Report for the Year 1911," p. 89.

gress a *national commission* to investigate penal conditions, and a bill has been introduced into Congress to that end.

The function of the National Committee on Prison Labor is similar to that of the National Child Labor Committee in its work of propaganda; leaving to state and national investigations with official standing, the broad statistical reporting and tabulating, it defines the underlying principles upon which reform must be based and brings these before the associations for discussion, and recommends to legislative committees constructive legislation based on thorough investigation of local conditions. The request for reports based upon preliminary investigations and containing suggestions as to constructive remedies have come from numerous boards of managers and officials and have been acted upon in conformance with the wishes of these officials. A report of this type was released December 28th, 1911, by Governor Crothers, Chairman of the Board of Managers of the Maryland House of Correction—it has been inserted in the appendix.

CHAPTER XII.

THE TREND OF REFORM.

What to do about it—model law impossible—possible to lay down certain principles—central bureau of clearance—selection of its members—bureau judicial—prevent political pressure by recall or by list—methods of report and accounting. The answer.

“What to hell are you going to do about it”? remarked the political boss of New Haven, Connecticut, when the investigation by the Civic Federation proved that that city was selling its convicts for six cents a day, under a contract which gave the power of punishment into the hands of the contractor. What to do about it is the practical proposition before practical reformers. The reason reforms are so often a failure is that we start to do before we think of what we are doing and run amuck of political conditions with no instrument in our hands, with which to fight the well-organized forces of corruption.

To fight without an adequate weapon is often worse than to fight without any at all and to have a sword where a pistol is needed means that attack is simply foolhardy. To put in the legislature of any state half-baked legislation, showing pique or class irritation, or even to carry over a full-rounded program which is fully adequate in one state into another in which it is not, is proof of not knowing what to do.

A model law which would apply in all states and make their systems uniform is the ideal lying behind movements in certain lines for uniform legislation and presents an attractive side to the reformer in a nation-wide movement. Uniformity may be secured as to the hours of labor, the conditions of divorce, but not as to the methods of administratively carrying out the provisions of the statute. It is equally easy to provide a uniform regulation in the negation that the labor of convicts should not be contracted for or leased or the products allowed to reach the open market. Absolute uniformity is impossible in the more positive legislation which provides that the convicts shall work

and the products of their labor shall be consumed by the state and subdivisions. The drafting of a *model law* to meet the needs growing out of the differing conditions found in the different states is *impossible*, but it is definitely *possible to lay down certain principles* which should be applied to the local conditions in the drafting of satisfactory legislation.

The principles underlying prison labor reform are to be found in the establishment of a *central bureau of clearance* between the productive side of the state's productive institutions and the maintenance and supply departments, under state, county or municipal control. This central bureau of clearance must have power to prohibit all purchases of goods in the open market that can be manufactured by the state's productive institutions—such control to be based upon estimates and budgets filed long enough before the demand to make possible the manufacture of the articles for the fulfillment of the order. The board in turn must have power to designate from a standardized list of articles, the manufacture of which will meet the educational needs of the institutions, just which shall be produced, their grade and quantity. The board should also have power to regulate the price at which the exchange should be made, based as nearly as possible upon the varying market price.

The composition of this bureau must vary in accordance with the method of control existing over the institutions, but two methods of the *selection of its members* are in practice; the first being to have represented on it all those interests that are affected by its regulations; the second a judicial or disinterested group of individuals before whom experts must be called, but upon whom the final decision rests. The combination of these two types, though in existence,¹ has been found to have neither the expedition of the first type nor the working force of the second. The *bureau* of the *judicial* type has the advantage of being free from the petty jealousies and rivalries existing between departments and the institutions, and the charges of biased decisions. The method of securing the personnel of the bureaus should be guarded by every known device to *prevent political pressure*;

¹New York State Board of Classification.

this might take the form in the radical Western states of appointment by the Governor but *recall* by the people, or in the conservative East by selection from a list of names chosen by heads of accredited educational, charitable and commercial institutions.

The control over the productive departments of the institutions will probably have to take form according to the number of institutions, type, location and the general principle of the paid or the voluntary citizen boards. The criterion of success of management depends not so much on the centralization of control, either in regard to the buying of supplies or the securing of help, but in the similarity of the systems of accounting which makes comparison possible, and the checking of efficiency in administration. Legislation, therefore, should deal primarily with these *methods of report and accounting*.¹ The efficiency of the controlling power will rest upon the personality of the individuals in control, their cleverness as business managers and their singleness of purpose—the proof of which will be found in the results. The board of control should therefore be given full power in everything pertaining to the industries, with only such limitations as would prevent the control over the convict being abused to the detriment of his reformation. This limitation should consist of an unrestricted method of repeal from the board of control to the proper court, with all the safeguards which that implies. The board of control should be like the board of trustees of a university and have referred to it both the educational and the purely business sides of the administration.² To carry out its business obligations, it should be supplied with credit from the state, either in the form of a capital fund or credit upon which to operate. The regulation of the curriculum, partaking in this instance of little academic work and a large percentage of productive labor education, should be entirely in the hands of the board of control and the rewards and demerits worked out by it. The wage system under which the inmates are to be employed would therefore be based upon the

¹New York Commission on Standardization, "The Standardization of Supply Specification for the City of New York."

²Butler, Nicholas Murray, "Address," *Columbia Alumni News*, Nov., 1911.

educational and developmental value in their relation to the production of efficiency and the retention of the interests of the convict in the welfare of his family and the restitution to be made for his crime. The placing of full power in the hands of the controlling authorities would make possible the development of the wage of the convict in proportion to the industrial development of the institution.

The awakening of public sentiment to the appreciation of the educational duty of the penal institutions and the encouragement and praise given for improved administration will do much to ensure good results.

In a word *the answer* of what to do is to be found in:

The establishment of a bureau of clearance with full powers over purchases of state, county and municipal departments.

The fixing of definite responsibility for institutional management with adequate publicity.

APPENDIX I

**REPORT ON THE HOUSE OF CORRECTION, JESSUP,
MARYLAND.**

REPORT ON THE HOUSE OF CORRECTION

Jessup, Maryland,

Made by

The National Committee on Prison Labor,

November 1st, 1911.

TO THE BOARD OF MANAGERS,
HOUSE OF CORRECTION,
JESSUP, MD.

DEAR SIRs:

In compliance with the request of your honorable body that the National Committee on Prison Labor present to your Board its findings after visiting and inspecting your institution, together with any criticisms or suggestions which might lead to the improvement of the institution, we beg to submit the following report. The report is based upon the investigation made last summer by the General Secretary, previous to your request for this report, and a subsequent visit to the institution made by the General Secretary and R. Montgomery Schell, a member of the Executive Committee. It is regretted that a more detailed report could not be made on account of the lack of time available to the Committee for work in your state and it is hoped that the lines suggested for further investigations may be followed to their conclusion. Every facility and courtesy was presented to the investigators by the officers of the institution. As criticism and suggestions were definitely asked for they have been incorporated in the report which it is hoped contains sufficient statement to make clear the requirements suggested and to commend the reforms already instituted.

REPORT.

The House of Correction is located a short distance from Baltimore on the Baltimore and Ohio Railroad. It is under state supervision. The building consists of two long cell-houses joined by an administrative hallway. The warden's residence

adjoins the front of the administration building, while the kitchens, power-house, etc., adjoin the rear. Two small wings of the cell-house are used for the women's quarters, the hospital and some of the shops. The small adjacent buildings consist of a warehouse for the contractors, a green-house, a dilapidated pig-gery, a small barn and a modern slaughter-house for the cattle. The buildings have no walls about them and are set on a tract of land comprising about three hundred acres; about 160 of which are under cultivation, 40 taken up by buildings and lawns, while 100 acres are left undeveloped. The appearance of the institution externally is extremely attractive—a broad avenue lined with beautiful trees makes a fit approach, while flower-beds adorn the lawns and vines climb upon the brick walls of the institution—a magnificent bed is laid out in red flowers in the sign of a cross; unfortunately the convicts only see this side of the institution at their entrance or discharge from it.

MANAGEMENT OF THE INSTITUTION.

The Board of Managers consists of nine citizens together with the Attorney General, State Comptroller and State Treasurer. The citizen members of the Board are appointed by the Governor and hold office during the administration. The Superintendent is an appointee of the Board and all assistants are appointed directly by him. The Superintendent, Mr. Lankford, receives \$250.00 per month, residence, supplies and house servants when available from the prison population. He is assisted by a clerk, Mr. Jones, at \$100.00 per month; three deputies at \$80 per month; two deputies at \$60 per month; 17 guards at \$55 per month; a matron at \$30 per month; and a physician, Dr. Byerly, at \$70 per month. The personnel of the staff is above the average found in institutions of this grade. Mr. Lankford is a man of force and ability to organize the work of the type of men that are his assistants and to handle the political situation as a political appointee. The institution is run on distinctly partisan lines—the Superintendent admits frankly that his tenure of office depends upon the continuance of a political party in office. His absence from the institution for several days at a time during the political campaign has a practical justification. The appoint-

ments of subordinates are along political lines and pressure is said to come from the Board for the appointment of incompetent persons because of a desire to take care of them. The main responsibility for the management of the institution falls on Mr. Jones, the clerk. This gentleman is of the old school and well-connected in Maryland but, having met with reverses, he now runs the institution for the paltry sum of \$1200 a year. His demeanor adds a tone to the institution, his care in accounting justifies the praise bestowed upon him by the state auditors in their recent report, while his attitude of broad-minded sympathy impresses itself upon the whole institution. Dr. Byerly gives a part of his time only to the institution. A number of the guards are bright, active young men.

HOUSING AND SANITATION.

The cell-house consists of the usual cell-block surrounded by the walls of the building. One block is considerably newer than the other but both are light and well-constructed, with sanitary conveniences in each cell. The institution is not overcrowded and there is plenty of room for the full population. The corridors facing the cell-block are occupied by tables on which the convicts eat their meals. The cell-block showed the need of soap, water and paint; the plumbing was rusty and in many cases leaking; the beds were dirty—the bed-clothes soiled and the blankets coarse and filthy. A prison official warned the investigators not to touch the iron railings on the stairs for fear of getting "the itch"; while the convicts reported the need of using fire to get rid of the bugs. The food served the convicts in the corridors filled the cell-house with the odor of food which is offensive in most prisons even where there is a modern dining-room and the finest kitchens. The food itself is not served to the best advantage—the bread is inferior to the grade usually served in prisons of this class, while practically no attempt is made to keep the food hot, even for the hospital patients. A study of the dietary was impossible but it was the impression of the investigators that the food was not of such quality, variety or served under such conditions as will best conduce to keeping the convicts healthy. The kitchens are well located and sup-

plied with proper utensils, ice-boxes, etc., of modern type, but no attempt seemed to be made to have these places tidy. In the kitchen proper the investigators noticed a big cauldron piled high with swill, while the meat and bread cut and distributed on tin pans were arranged on the floor and several convicts with mops and dirty water were attempting to mop the remaining part of the floor. These pans when piled one upon another to be taken in to the convicts naturally were cleaned by the scraping of the bottom of one pan on the food in the pan below. The supplies are said to be checked with care, but no special method could be discerned for protecting the institution against short quantity and poor quality, so common in institutions of this class. An extended study of this field would prove profitable, though criticism of the management should rest until the matter has been thoroughly gone into. The coal supply is not tested and the introduction of the thermal unit as a means of paying for the actual heat produced by the coal could not help being beneficial.

THE PRISONERS.

Convicts are sent to this institution from all over the state for terms up to ten years, though the average is probably nearer twelve months. Both sexes are taken and there is no age limit—at present the oldest inmate is eighty-two and the youngest twelve years. The commitments seem to be made on an arbitrary basis; in the counties the justices commit all their short-term people to the institution. From the counties come the young boys. The form of commitment is in many cases faulty and it seems an admitted fact that habeas corpus proceedings would release a large number of such convicts. Where the convict can pay the cost of proceedings release is possible. It is stated that \$500.00 would produce jail delivery if spent for legal aid for the convicts. How many convicts are guilty of the charge for which they are incarcerated it is impossible to tell; some are committed for acts like "carrying a pistol" which is provided as a right by the Constitution of the United States. They all claim to be innocent, but a very large proportion, probably two thirds, is committed for vagrancy, train-riding and trespass, mostly in connection with the Baltimore and Ohio Railroad. The legal

form of commitment of the railroad cases states that the man is guilty of about a dozen acts in connection with the trains—too many it would seem to have been accomplished by any one man—but the form is printed and ready for any emergency. The blanks state that the convict has waived trial by jury and other legal technicalities. Several justices have charge of these railroad cases. It is claimed by the authorities of the institution that these justices are of the better class of justices in the state, while the convicts charge railroading, refusal to provide counsel for the defendant and even intoxication on the part of the justices. The Governor is said to pardon convicts of this class upon protest by any reputable citizen and it is understood that he does not investigate the merits of the cases. This method of pardon, if it prevails, which is intended to provide justice, does not ensure the attainment of that end. In the management and discipline of the convicts merit rather than influence should be the test of release. The type of convict sent from Baltimore is a matter needing investigation. The magistrates of Baltimore commit to the Jail, the House of Correction and the Penitentiary. It is charged by the authorities at the House of Correction that the justices commit to the Jail and the Penitentiary all convicts that are efficient workers and of value to the contractors. During the year the Governor formally notifies the justices that they must send as many convicts as possible to the House of Correction because of the need of keeping good faith with the contractors at the institution. Whether these charges are justifiable ought to be thoroughly gone into; eminent penologists have criticised the existence of contracts and the commitment of convicts to the City Jail at Baltimore. The question of a restriction of the Jail to prisoners awaiting trial and sentence is much to the point. The fact that the authorities of the House of Correction and the Maryland Prisoners' Aid Society have been at loggerheads for some time and the sincerity of the agents of the Prisoners' Aid Society questioned has made a situation which should be taken in hand.

The committing of young boys to the institution by the county magistrates should be stopped. A case in point is that of the commitment of Wish Sheppard, 13 years of age; P. S. Sheppard,

12 years of age; Huston Hurluck, 12 years of age, and Lloyd Rickets, 13 years of age, from Federalsburg, for burglary. Young Hurluck is white, the others colored.

The convicts are dressed in stripes and are marched to and fro in lockstep. The advantage of the prison stripes and the prison manner of walking has been questioned by the best prison wardens of the country. The national government has done away with the same, as have New York and most of the progressive states. It has been found that the usual poor carriage of the convict is not improved by the lockstep method, that it takes longer and is more conducive to escape. It is held by prison wardens that a neat uniform aids discipline, is reformatory and is much easier to keep clean and wholesome.

LABOR.

The labor of the convicts is taken care of by four contracts, together with several small local accounts with people in the neighborhood who hire out the convicts for work about their farms and houses. The farm supplies a few of the convicts with work—the products being used in the institution, or sold on the general market. The value of the farm products sold on the market in 1909 was \$889.00, of which \$665.00 came from wheat. The products canned in 1910 and used in the institution amounted to 380 cans of apples, 230 cans of beans and 896 cans of tomatoes. On the farm the trusties work, supervised by a guard with a gun which he uses to point out the peas and tomatoes which they have forgotten to pick. The greenhouse makes a little work and so does the piggery—the latter brings in a profit of \$500.00 a year from outside sales; the flowers beautify the lawns and are enjoyed by the visitors.

The income of the institution from its contracts and other sources has almost doubled during the incumbency of the present administration, being \$64,000 in 1907 and \$121,000 in 1910. The increase is the result of greater efficiency secured by the prevention of abuses on the part of the contractors. The Superintendent caught the contractors making false reports during his first year of administration and told them if they continued he would have to take legal action to terminate the contracts. He

was successful also in resisting the attacks of these contractors and the attempts at bribery of certain of them. The Superintendent claims that the former administration allowed the contractors to run the institution; he claims that the conditions have improved since the East India Manufacturing Company was forced out and the cocoa mat and matting business established. The Superintendent claims that the low price of the convict's labor in the contracts is the responsibility of the Board of Managers and that he was an advocate of much higher rates. The contracts, summarized, are appended to this statement.

THE SHOPS.

Conditions found in the shops are as follows:

The shop of the Cumberland *Shirt Company* is in the basement under the cell-block. It is a large, airy, light room, equipped with good sewing machines and electric light. The foreman and guards seem to be good sort of men. 190 men were at work and turn out about 200 dozen a day at thirty-five cents per man per day to the state. The foreman of the shirt company stated that some of the men earned \$9.00 a month overtime, but this was the exception—the average being somewhere between \$2.00 and \$3.00 a month. The task was arranged by agreement between the Company and the Warden, a printed card being on the wall. Many of the convicts working in the shop were colored—probably a dozen were below the age of sixteen and three or four under fourteen. The shop was supplied with a few spittoons and many cans for expectoration—the doctor admitted that there were many cases of tuberculosis and many of the convicts looked it. The expectoration was not confined to the cans, and one sick convict was seen to expectorate over the packing cases and the shirts. The man looked so sick and hollow-chested that inquiry was necessary, and it was found that he had been sick for five days but had not been able to see the doctor because of the doctor's need of giving his extra time to the fifteen typhoid cases in the hospital. With the hospital full it was probably too much to ask the doctor to examine cases which he had no means of taking care of. The shop was so dirty that if it had been a sweat shop on the East Side of New York City the laws

of New York State would have permitted its being closed until it had been properly cleaned and fumigated.

Two hundred men work in the *mat shop*, most of them on hand looms—a few on high power machines. The room is filled with machines, poorly lighted, badly ventilated. Only in the fast machines is there any attempt to draw off the dust. The air is thick with flying fibre which is impossible to keep out of the lungs because of the need of deep breathing required by the use of the arms in working the looms. The output of the shop is about 700 mats for 200 men per day. The best grade was auto mats and the foreman seemed surprised that there could be such a demand for auto mats as to consume the output. Some of the men make overtime. On the mat machines they make \$2.00 a month, while on the other work probably \$1.00 a month.

Thirty-five men work in the *broom shop* and have a task of six dozen per day. They are said to make from \$3.00 to \$9.00 a month overtime, while the Baltimore Association for the Blind is making a desperate attempt to get work for its dependent blind. Robert C. Norman of the Atlantic Broom Co. in a letter dated October 9th, 1911, to the Superintendent, states:

“Should any of your discharged prisoners care to earn an honest living they can do so making brooms, and prison broom-making is about the only prison industry at which the prisoner acquires a knowledge and skill of any value in after life.”

A number of the convicts in this work were boys of nineteen who had started out to see the world and got caught on a freight.

The *overall shop* is up three flights of stairs in a detached loft of the cell house. The rooms are bright and airy and accommodate the thirty-two convicts easily. More than half are colored women in the last stages of degradation. The others are white women, with the exception of a boy of twelve who because of his criminal nature was sentenced to the institution and because of his tender years and gentle ways is classed with the females. One girl of eighteen of delicate, refined nature makes also a contrast to the hardened characters. Her crime was the result of bad surroundings—a step-mother and a long series of years of being

placed out from an orphan asylum to work for some farmers who abused her. It is doubtful whether her father will take her home and she is absolutely without hope. The women are at work on men's overalls for Flint of Baltimore; their task is 26 pair and they work eight hours. Overtime is paid them and one woman earned \$3.05 one month according to the books. The thirty-two women earned \$10.59 a month. Young Houston, the boy, earned two cents a month in this line of industry—that is sewing strips on the back of overalls. The warden's daughter stated that he earned more than two cents carrying notes from the women to the male convicts but that he has now promised to be good if she will give him the cigarettes which he could buy with the amount of money he had been earning; this agreement between the warden's school-teacher daughter and the convict of twelve is working well and he has at last consented to study at night with his new friend. The foreman of the shop is chaperoned by the old guard and young Houston but the matron never intrudes into the upper loft to chaperone the women. The foreman is a good fellow and doing his best under difficulties. He is doing what he can to help young Houston and the eighteen-year-old girl and be gentle with two negro women who are entirely out of their minds.

MEDICAL CARE.

The hospital was crowded with typhoid fever cases and a trained nurse was doing her best to fight the conditions, assisted by several convict boys whom she said were helping her very nicely. She and all concerned were being pumped full of antitoxine. The cases have been going on for two weeks and examination has been requested by the Board regarding milk and water. The guards were showing some signs of fear for themselves—still the doctor had not gotten a satisfactory analysis of the water. When questioned in regard to tuberculosis he said he could do nothing to isolate the cases but requested that the National Committee on Prison Labor recommend that it be done in justice to the prisoners. He said he felt no responsibility for the condition of the workshops, cells or kitchens—that he was there only part time. He admitted that Mr. Whitin had caught him examining the cases

of mumps on the eating tables of the convicts, but he was not aware that at that time two cases of mumps with their heads bandaged up were lying down on piles of shirts in the shop of the Cumberland Shirt Company, adding to the dangers of tuberculosis the risk of mumps being sent throughout the community. It seems that in former years a resident physician was in the institution. The doctor makes no examination of the convicts when they come in. One of the convicts came to us with a big bandage on his head and explained that it wasn't a fight but the result of having fallen against his cell in an epileptic fit. As the man was crippled by his disease and feeble-minded as well the question of how he could be admitted to the institution naturally presents itself.

THE PUNISHMENTS.

Before punishment is inflicted the Superintendent holds a court and before him appear the deputies as complainants. Other convicts are used as witnesses for or against the prisoner. If the prisoner is found guilty by the Superintendent he is whipped. The whipping is done with a cat-o-nine-tails. In the case of men they are cuffed up and beaten naked; women are said to be beaten about the ankles. The solitaires are said to be out of use—the investigation of them bore out this statement. The loss of good time is said to make the severer punishments unnecessary in most cases.

SUMMARY AND RECOMMENDATIONS.

1. The equipment of the institution is good as far as it goes but there needs to be built a dining-room and suitable hospital for tuberculosis cases.
2. The staff of the institution is good but should be taken out of politics and all salaries, with the exception of that of the Superintendent, should be raised.
3. A resident house physician should be installed and held responsible for the sanitary conditions of the institution. He should examine all prisoners upon admission to the institution and ascertain whether their eyes and physique make it possible for them to work upon the industry assigned. He should supervise

the dietary and provide for the removal into custodial asylums of feeble-minded and epileptics.

4. The Board of Managers should provide for the transfer to a juvenile reformatory of all children under sixteen years of age committed to their institution, so as to provide for their education and a compliance with the standards universally accepted regarding the restriction of factory work for children. Minors, both male and female, between sixteen and eighteen, should be segregated, both in workshops and living quarters.

5. Women convicts should have the protection of a matron at all times and the foreman in the overall shop should be relieved of the responsibility of caring for children and insane women.

6. The industries now conducted in the institution are none of them of such a character as would teach a trade of value upon leaving the institution as is shown by the testimony of certain of the contractors. The work in brooms is directly detrimental to the state-subsidized industry of broom-making for the blind. The contracts terminating September 1912 should be discontinued and the others at the time of their maturing. In the meantime the workshops should be thoroughly cleaned and goods not allowed to be shipped until the Board of Health have thoroughly investigated and given a clean bill of health to the institution—failure to comply with these regulations should result in action from the boards of health in those states to which the goods are shipped. The mat factory should be provided with proper ventilation.

7. The farm should be developed to its greatest capacity and worked by convicts placed on their honor, the guard replacing his gun by a hoe and adding his labor to the labor of the gang. The forest area should be cleared of its underbrush and planted with small trees to be used in reforestation along the lines suggested by Governor Dix of New York State. Arrangements should be made with the state and county road commissioners for the employment of as many convicts outside of the building as possible in preparing roads and in breaking stone, in accordance with the suggestions of the Governor in his message. In this work the services of the Superintendent's son might well be secured by the institution.

8. The renting of convicts out to farmers should be discontinued and the institution should develop a number of small industries such as the raising of wheat, the canning of farm products, raising of pork, etc. The possibility of establishing a brick industry to supply the large demand for brick in the road building of the state should be looked into by the Board and if possible the methods used in the Minneapolis Workhouse followed. An arrangement should be secured with the City of Baltimore, through the aid of Mr. Furst, President of the Penitentiary Board, for the right to manufacture brushes and ash cans for the street-cleaning department. A printing-press should be installed upon which should be employed the young men between sixteen and eighteen years of age, and the general state printing conducted there—such printing to be supervised by a foreman who is a member of the printers' union and upon agreement with the union to count the work towards apprenticeship for the union.

9. The lockstep should be done away with as soon as possible and the clothing known as prison stripes should also be done away with as soon as possible.

10. The Board of Managers should make thorough investigation of the supplies sent to the institution and find out whether they are of proper grade and quantity.

11. Thorough investigation of the commitments to the institution from the courts of Baltimore and the counties should be made by some organization holding a neutral position between the Maryland Prisoners' Aid Association and the Board of Managers of the House of Correction—special reference being made to the illegal commitment of guilty and the legal commitment of innocent persons. The effect of politics and race prejudice upon the courts, the attitude of the courts toward certain institutions and the justification of the Prisoners' Aid Society in seeking to release prisoners on habeas corpus and through pardons.

12. The prisoners should be allowed acquaintance with God's sun and air. The flower cross in front of the institution should be made visible to all the inmates at least once a day and as a reward of good behaviour convicts should be allowed on Saturday afternoons to see and participate in a baseball game. Moving

pictures should be introduced which would aid the men to take an interest in leading better lives and becoming industrially efficient. The common branches of English should be taught the convicts in night school.

13. Better facilities for the placing of the convict's earnings at the disposal of his family should be worked out.

14. The religious work of the institution is said to be well conducted by the Maryland Prisoners' Aid Society and representatives of the church. This work should be developed and proper facilities given for it.

Due credit should be given the present management for their efficiency in increasing the revenue of the institution 50% and installing such plants as the ice-plant and piggery. The introduction of the above recommendations should increase the value of the convict's labor per day from 35 cents on the average to \$1.00 a day. To produce this efficiency the system of task and bonus should be continued on the farm, road and other work, making such allowance for the convict's wages as will produce the greatest efficiency in the work, following the schemes worked out in a number of other institutions. The increase in the physical health of the convicts will add materially to this end, together with the recreation features. The doing away with the feeling of antagonism to the administration on the part of the prisoner will lessen materially the work of the guards. The adjustment of the commitments will aid in bringing a more efficient type of convicts to the institution. The increased efficiency will justify an increase of salaries to the guards, the securing of a resident physician, the paying the matron a respectable wage and placing the fiscal head of the institution, Mr. Jones, on a salary commensurate with his value to the institution and the function he is at present performing.

SUMMARY OF CONTRACTS.

Atlantic Broom Company.

AGREEMENT, February 12th, 1908, to take effect April 1st, 1908, for a term of five years, for fifty males, or in proportion to the East India Company and the Cumberland Shirt Company.

Twenty-five females' from April 1st, 1908, and if the contractor desires for four and a half years longer, at a price not to exceed twenty cents a day. Males at thirty-five cents a day of eight hours; females at fifteen cents a day for eight hours. Payments are to be made on the fifteenth of each month—the first thirty days of a convict's time to be free to the contractor, unless previously skilled. Tasks set by agreement between contractor and warden, to be arranged July 1st, 1908. Overwork to be paid for to the convicts at the same rate. The prison not responsible for failure to do tasks. Proper rooms are to be furnished with sufficient power, light and heat; limit of power ten horse power. For rooms and power contractor pays \$50.00 a month. Increased power to be arranged for if needed. Males and females to be worked in separate rooms. The contractor has a right to erect a warehouse near the track and to remove the same after the termination of the contract. Failure to employ the prisoners assigned terminates the contract. Instructors are allowed in the shop. The machinery installed is security for good faith and may be seized by the warden on failure to keep the contract and sold after advertisement. The proceeds to reimburse the prison against loss and any surplus being turned over to the contractor. The rules of the Superintendent shall prevail. The contractor is restricted to the manufacture of brooms and like articles, while the prison authorities promise not to contract with other persons for the use of the prisoners in the manufacture of similar articles. In case of fire the rooms shall be repaired by the prison authorities and shall be occupied by the contractor within thirty days after the opening of the room to them or the contract shall be void. Should the National Government pass laws against the sale of convict goods, the General Assembly of Maryland or a majority of the following states, viz: Virginia, Pennsylvania, New York, the contract is cancelled in ninety days. Fifty cents a load is allowed for hauling.

The Cumberland Shirt Company.

See contract with Atlantic Broom Company for general features, from which the following variations are noticed:

1. Sublet to Flint Overall Company.

Contract entered into May 1st, 1910, for five years for 200 males, being made up of sixty per cent. of the convicts remaining after the other contracts were satisfied; to be more than one hundred and less than 200, at 35 cents a day of eight hours. \$100.00 a month for rent and \$15.00 for extra horse power. A bond of \$10,000 given by contractor for good faith.

Darragh and Smeel and Joseph Wild and Co.

See Atlantic Broom Co. summary for general features except the following:

To take effect May 1st, 1910, for seven years, for 100 convicts with 200 as the limit, at forty cents a day for two years from May 1st, 1910, and for the five years after that at 47½ cents; the first thirty days to be free, except for skilled men. The task to be 24 square feet a day, with over-work regulations. \$200 per month for rent and power. The contract to be cancelled if the National Government, the General Assembly of Maryland, Ohio, Illinois and New York pass laws limiting the sale of the goods.

APPENDIX II

PRISON LABOR IN PARTY PLATFORMS.

PRISON LABOR IN GOVERNORS MESSAGES.

PRISON LABOR IN LEGISLATION.

PRISON LABOR IN PARTY PLATFORMS

Compiled September, 1911.

ALABAMA

SOCIALIST PARTY

"The reformation of our penal system and abolishment of the lease system and employment of the convicts by the state under state supervision in producing their food, clothing and other necessities and all not so occupied to be employed in building, improving and maintaining a system of public roads throughout the state."

ARKANSAS

DEMOCRATIC PARTY

"We believe that all competition between convict labor and free labor should, as far as possible, be avoided. We believe that the welfare of the convicts can be better maintained when they are employed in work directly for the benefit of the State, and, to do all that we can to this end, we earnestly favor the working of the convicts on the state's farm until such time as they can be worked advantageously upon the roads of the State, always keeping a sufficient number on the farm to raise supplies to clothe and feed themselves and those engaged on the public roads. No convicts shall be let out on contract except where extraordinary conditions shall arise which shall make it absolutely necessary for their maintenance."

REPUBLICAN PARTY

"We favor absolute abolishment of the convict lease system."

SOCIALIST PARTY

"We point out that there have been hundreds of men and women in our prisons who have been convicted of crime, who are really diseased and who with the proper treatment might be restored to useful citizenship, and point out that the duty of the State in inflicting punishment on those who have been charged with public wrongs is not only to furnish

an example to others and restrain the irresponsible but to lift up the fallen and to restore to a life of usefulness the victims of a system which invites their existence."

FLORIDA

SOCIALIST PARTY

"We demand the establishment of a state penitentiary and abolishment of the contract system of convict labor. Prisoners to be employed on public improvements in such a way as not to compete with free labor."

GEORGIA

REPUBLICAN PARTY

"We favor the abolishment of the iniquitous convict lease system and the placing of convicts on the public highways of the state."

IDAHO

SOCIALIST PARTY

"We favor the payment to convicts of regular wages for the work at which they are employed and the disbursement of all excess above the cost of their keep to their wives and children."

ILLINOIS

REPUBLICAN PARTY

"We favor the substitution of non-competitive for competitive work in penal and reformatory institutions."

DEMOCRATIC PARTY

"The products of convict labor should not be brought into competition with free labor to lower standards of living and demoralize business. The convicts should be employed in the production of material for permanent roads and bridge construction for building roads and bridges which would be left unbuilt if not supplied from this unfair source."

SOCIALIST PARTY

"The improvement of the industrial condition of workers by the forbidding of interstate transportation of the products of convict labor."

INDIANA**DEMOCRATIC PARTY**

"We declare for the enactment and enforcement of such laws as will prevent any competition between the products of labor in our penal institutions and the product of free labor."

REPUBLICAN PARTY

"We abolished prison contract labor. We established trade schools. We enacted model statutes providing for non-partisan control of the state's charitable, benevolent and penal institutions."

KANSAS**SOCIALIST PARTY**

"The entire earnings of the inmates of our state penitentiary shall be turned over to their families, the expense of maintaining this institution being born by the taxpayers who vote to maintain a system which deprives millions of employment and thereby forces them into crime."

MONTANA**REPUBLICAN PARTY**

"We favor a law prohibiting the sale of prison made goods unless plainly stamped with the words 'prison made'."

SOCIALIST PARTY

"We declare emphatically against the system of working convicts in unfair competition with free labor. We propose healthful, outdoor employment of convicts at the prevailing union rate of wages, such wages, less cost of prosecution and maintenance of the convict, to be credited to and paid to him at the end of his term, or in the case of convicts with families, the net earnings to be paid to the dependent family."

MISSOURI**REPUBLICAN PARTY**

"Similar reforms have been inaugurated in the penal and reformatory institutions of the state and particularly in the state penitentiary. The convicts have been better fed and better clothed and the conditions under which they live and work have been made more sanitary and more humane methods of treatment and of discipline inaugurated.

We commend the conduct of the penal and reformatory institutions of the state under Republican administration. We recognize the urgent necessity of the establishment of a state reformatory where first offenders, between the ages of eighteen and twenty-five years, may be given a proper measure of industrial and general education and opportunity to thereby become useful and productive citizens."

DEMOCRATIC PARTY

We are opposed to the present system of convict labor at the Missouri State Penitentiary. We believe that it is unfair and unjust to honest labor that they should be compelled to compete with convict labor, and we recommend that the State Legislature devise means for using the state convicts in preparing material for the construction of permanent public roads in this State, reclaiming swamp and overflowed lands and to prevent the inundation of river bottom lands, thereby preventing competition between honest and skilled labor and convict labor.

We commend the last Democratic State Senate in standing by the Democratic platform in 1908 and passing a bill abolishing convict labor at the state penitentiary, and we condemn the Republican House of Representatives in violating the pledge of their platform for refusing to concur on that bill passed by the Democratic State Senate."

NEBRASKA**REPUBLICAN PARTY**

"We favor the creation of a non-partisan board of control of the state, the penal, reformatory and charitable institutions of the state."

SOCIALIST PARTY

"Convict labor to be paid for at the same rate of wages paid union labor for the same kind of work at nearest point to prison, said wage to be paid to the prisoner or his family."

NEVADA**DEMOCRATIC PARTY**

"We stand for reform in the Nevada State Prison so that the inmates thereof may earn their own support."

NORTH CAROLINA**REPUBLICAN PARTY**

"We hold that the best employment for the state convicts is on the public highways."

OKLAHOMA**SOCIALIST PARTY**

"The Socialist Party demands the free administration of justice and the maintenance by the state of families dependent on state and county convicts."

RHODE ISLAND**REPUBLICAN PARTY**

"We point with approval to extensive additions and improvements made in our charitable, educational and penal institutions, satisfying the demands for improvement in these branches of the public service manifested by the citizens of the state."

TENNESSEE**REPUBLICAN PARTY**

"We believe that it is unjust that one industry should be specially singled out to bear the burden of competition with convict labor and that such competition should be so distributed that no industry would be materially affected thereby. We therefore condemn the extensive operation of coal mines by convict labor where the coal thus mined is thrown upon the market already supplied, in direct competition with coal mined by free labor, and by which such mines are driven into idleness or the employes are forced to accept the minimum wages. We also condemn the unbusinesslike manner in which the state mine is conducted whereby it is run at a loss to the state, while at the same time no effort is made to protect other operators from the baneful effects of this unjust and unnatural competition. We would favor the employment of a large number of the state's convicts in the building of a state highway from Memphis on the West to the Virginia line at Bristol on the East."

SOCIALIST PARTY

"Abolition of all forms of involuntary servitude except punishment for crime."

TEXAS**DEMOCRATIC PARTY**

"We favor divorcing the management of the penitentiary and our eleemosynary institutions from political control, to the end that they will not suffer the disturbance of changes in administrations, and we recommend independent Boards of Control with tenure of office so arranged as to prevent a complete change of management at any time. We insist upon a faithful application of the wise and merciful policy of moral reform and mental and manual training in all penal institutions."

REPUBLICAN PARTY

"We demand the passing of such laws as will further the establishing, laying out, building and keeping in good repair a system of inter-county public roads, and to this end we further demand the employment of

penitentiary convicts, thus providing for them profitable employment without bringing their labor into competition with honorable free labor."

SOCIALIST PARTY

"Humane and scientific treatment of the inmates of the state penitentiaries, all the value of their labor above an economic cost of maintenance to go to their families or dependents."

WISCONSIN

REPUBLICAN PARTY

"In the year 1907 the Legislature of this State empowered the Board of Control to establish and maintain a plant for the manufacture of binder-twine in the State Prison at Waupun and appropriated \$125,000 for this purpose. Believing that the investment of public money already made should be safe-guarded we favor the immediate completion of this plant and its operation by state convicts in the manufacture of binder-twine."

WYOMING

DEMOCRATIC PARTY

"We favor the enactment of a law providing that all prison-made goods shipped in from other states shall be plainly marked or branded 'prison-made'."

REPUBLICAN PARTY

"We recommend the abolition of the convict leasing system in our state prison."

SOCIALIST PARTY

"We favor the employment of state convicts on roads and public works where free labor cannot be employed."

* * * * *

PRISON LABOR IN THE GOVERNORS' MESSAGES.

COMPILED APRIL 12th, 1911

EMMET O'NEAL

GOVERNOR OF ALABAMA

"The Legislature now has power to devote the net proceeds of the hire of convicts, as well as other available funds in the State treasury, towards the improvement and construction of our public roads, but what proportion of the cost should be borne by the State and counties and precincts, is one which will require your careful consideration and earnest thought, if State aid for our public roads is undertaken."

Governor's Message—p. 48.

GEORGE W. DONAGHEY

GOVERNOR OF ARKANSAS

"The Management of the Arkansas Penitentiary has been a perplexing problem to the people of the state for many years. The penitentiary is designedly a place for the punishment of criminals, and should not be made a football for politicians to toss here and there, nor a means of personal profit to individuals, corporations or contractors. Every phase of monetary profit coming from convict labor to anyone except the state should be eliminated. This can never be done under any form of leasing convicts to contractors. Under the best system of management for penal institutions, the men directly in charge of convicts become negligent of the proper protection of the convicts against bad treatment. But when a convict is hired out and with the thought uppermost in the mind of the guard or warden that the convict is in the penitentiary to be punished, it is not difficult for a contractor, having nothing at stake but the money he is to make in the transaction, to influence the protectors of the State's interests to become more neglectful of the welfare of the helpless criminals in their charge. As an instance of adverse conditions under the lease system, I will make the prediction that an investigation of the facts would show that the deaths of a large majority of the convicts for the past two years have occurred in cases where they were, or had been,

hired out to contractors. I will also venture the statement that escapes are made from the same camps in about the same ratio as these deaths occur. Any form of the lease system also promotes disorganization of the State's interests and discontent in the minds of the convicts. When the State works her own convicts directly on her own work and on her own premises, there is no incentive to overwork, underfeed or badly clothe the prisoners. I was told by the warden on the State's farm that during the past year, on a certain occasion, he sent eighteen convicts two miles away from headquarters without a guard, to clear some land. That they went to and from the work daily without giving the least trouble. Then, as a matter of actual experience, we find the expense of maintenance to be materially less when working the convicts directly for the State. On our convict farm if there has been a free guard employed in the past two years, it was a useless expense. During my several visits there, I have never seen one, and the statement of the warden to me was that there were no free guards on the farm. All were convicts, and those I noticed were mostly cripples or otherwise disabled so they could not have made full hands at other kinds of labor. But when convicts are hired out to contractors it not only takes free guards, but also more of them to a given number of men than it would require on the farm.

The question, however, with which we are confronted is: 'Can we abolish the convict lease system and make the penitentiary self-supporting?' The majority of the present board contend that we cannot. * * * But I believe that the convict lease system is not only a crime that we are committing against downfallen humanity, but also, from an economic viewpoint, it is an error, and that any process of reasoning to the contrary is founded on a false basis."

Our convict population is made up almost wholly of prisoners whose lives and work have been devoted to agriculture. The experience of the board since I became a member of it is as follows: When we took charge of the penitentiary two years ago, and before we could make a move to earn anything for its maintenance, we found it was in debt in the sum of about \$130,000. Ninety-nine thousand dollars was appropriated by the Legislature out of the general revenue fund for the payment in part of that debt. The balance remaining unpaid was left to the board to work out. The first year, 1909, we bought supplies on credit, paying what our creditors chose to charge us, and we not only paid the debt to which we fell heir, but made enough money over and above all expenses to pay

\$30,000 of the State's farm debt, and turned back into the general revenue fund \$50,000. For the past year we will do equally as well if not better. The greater part of this money was earned on the State's farm. Of course, those opposed to my idea will contend otherwise; but here are the facts: We have on the State farm 2,700 acres of open land. Our first cotton crop and the seed from same brought us \$125,000. The cotton and the seed produced on the same land for the past year at the time of writing is harvested and is worth on the current market \$160,000. So we will be able to pay \$30,000 more on the farm debt and turn back into the State's general fund another \$50,000. Now, anyone who knows anything about farm work or management knows that 2,700 acres of land can be cultivated with 300 convicts, or less than 10 acres to the man. It would be a reflection on the management of any board, superintendent or warden of the penitentiary to maintain that this cannot be done. Then this land, cultivated by a force of less than one-third of the 925 convicts under the control of the penitentiary board, has earned for the past two years more than half of all the revenue that the penitentiary has received. Hence, we see that under present conditions, which are exceedingly bad, as will be noted later, 300 men are not only making a support for themselves, and paying the cash dividend before noted, but they are, in addition, supporting over 150 other convicts who are working for contractors. No doubt the opposition to this statement will produce ready statistics to show the contrary, but statistics are worthless in the face of facts. Why shouldn't convicts make more than a support? Most of the farmers of the State are making a large profit on their labor when applied to their farms.

But I think the best plan of handling the convicts is as I suggested in my former message. I will, therefore, renew that recommendation, which is, that you pass a law by which a part of the convicts may be worked on the farm and put the others on the highways of the State. This can be done under proper management without additional cost, and if you will provide for it the State will get the advantage of all the roads that can be built by a force of 300 or 400 convicts for absolutely nothing over the present conditions.

Our policy should not be one practiced by uncivilized people, nor one in which inhuman treatment by irresponsible parties can be employed. If we are going into the slave traffic, with our victims bound in chains and guarded by guns, just for the money there is in it, let us so arrange it

that we will reap the reward. As it stands, the State commits the crime and does not get the profit. That goes into the pocket of those who do not take the responsibility. We can lease the convicts to responsible contractors with a better system and a bond for their protection, and receive for that lease not less than \$125,000 per annum. Better still, we can work all of them for the State on its farm and rented land, until enough land may be cleared on the farm and turn \$125,000 annually into the State Treasury, and save the lives of at least two out of four of the convicts."

Governor's Message, pp. 13-18.

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(SUPPLEMENTAL MESSAGE.)

In accordance with his policy of working all the convicts not employed at the state farm on the public highways of the state, Governor Donaghey yesterday sent a message to the Legislature recommending that the present convict lease system be abolished and the labor of all convicts not needed on the farm be given to such counties of the state as will pay all the expenses of maintenance of said convicts for building public highways. Following is the governor's message:

By a special call of the chairman, the Penitentiary Board met this morning for the purpose of considering a proposition from W. L. Reaves for the leasing of 200 convicts to said Reaves for a period ending October 1, 1911; and on the question of what the future policy of the Legislature and the state will be concerning the leasing out of convicts, the board passed the following resolution:

"Whereas, The Penitentiary Board has for two years been in an undecided state of mind as to what policy the Legislature would ultimately adopt in the disposal or working of the state convicts; and,

"Whereas, The board from time to time has made short term contracts for the employment of the men which have not been as advantageous or profitable to the state as might have been under longer term contract or other methods that might have been employed in working convicts; and

"Whereas, Since the present Legislature has been in session the board has been undecided as to what the future policy of the Legislature would be toward the employment of the convicts, and the Penitentiary Board has refrained from making any contracts longer than very short periods; and,

"Whereas, The contractor, W. L. Reaves, the only contractor who has been working the convicts, and the only contractor who is now bidding for them, has declined to work the convicts any longer unless he be given a longer time contract; therefore, be it

"Resolved, That the Penitentiary Board now in session, ask the Legislature to immediately express itself by resolution or otherwise as to the future policy of working or employing the convicts before this board shall take further action in the matter."

In order that the Penitentiary Board may govern itself in obedience to your will, I recommend that you address yourself to this subject at once.

I recommend that you immediately pass a concurrent resolution expressing it as the sense of your honorable body that the practice of leasing out convicts to contractors be discontinued at once; and that you follow this resolution by the enactment of a bill repealing the existing laws by which convicts are hired out to contractors, and that you further provide that the labor of all convicts not needed on the state farm be given to such counties of the state as will pay all the expenses of maintenance of said convicts for the building of public highways.

By the adoption of such a plan, the state could not lose anything from the employment of those convicts sent to the farm, while the demand from counties willing to pay all expenses of all convicts for all the time they can be secured will be greater than the state will be able to supply from any surplus number which would remain on her hands.

"Gazette", Little Rock (Ark.), March 29.

HIRAM W. JOHNSON

GOVERNOR OF CALIFORNIA

"There has been introduced to-day in the Senate and Assembly a bill designated 'An Act to authorize and regulate the employment of prisoners in the State prisons of this State, and to provide for the disposition of the products of their skill and labor', the design of which is to enable the prisoners in the State prisons to manufacture such articles, materials, and supplies as may be needed for any public use by the State, or any county or municipality, or that may be used or required in any State institution.

This message is sent that you may have before you the purpose of the bill and the reasons actuating Warden Hoyle, of San Quentin, in its preparation, and that have induced me to recommend it.

In the care and maintenance of convicts, the first problem that presents itself to the State is to furnish appropriate and rational employment, not only that prisoners may be kept from idleness, but that they may be taught during the period of their confinement useful trades, and may after the expiration of their terms be able to follow legitimate employment and to rehabilitate themselves. The most efficacious manner in which this humanitarian doctrine can be consummated is in regular hours of employment, in regular trades for those who are confined within the prisons, and by such regulations to provide the physical and mental activity necessary, and thus to afford the possibility, the hope, and the opportunity for ultimate regeneration.

The other reason why the proposed measure will be advantageous is upon the financial side. If permission to manufacture and produce the articles mentioned be accorded, the State prisons in great measure will be self-supporting, and it is the hope of Warden Hoyle, based upon experience in other places,—and his hope seems to me justified,—that within a few years the State prisons of the State of California, under the plan suggested, will be wholly self-supporting, and will not require further aid of the government.

The objection to the manufacture of articles in the State prisons comes generally, and justly, I think, from the free labor of the State. The purpose of the bill that has been introduced is to permit only those articles to be manufactured which are used by the State, the county, or the municipality, and does not permit their sale privately.

The restrictions within the bill are such that prison labor shall not be brought in competition with free labor. The particular measure that has been introduced has been submitted to the San Francisco Labor Council, and has received the sanction of that body.

It is presented to you, therefore, with the full knowledge and approval of labor within the State of California.

The cost of maintaining the prisons of the State of California is, in round figures, something over half a million dollars per annum. If this cost can be met in any measure by the proposed plan, apparently it should

commend itself to us all. Beyond this, if it meets the requirements first suggested, of furnishing the necessary activity physically and mentally to prisoners, and with the learning of useful trades or occupations will enable prisoners better to care for themselves after their release, an amply sufficient reason is presented for its passage. In order to carry out the proposed scheme, no appropriation is asked from the Legislature.

Two Acts are presented with the bill, which establish from the present earnings of the prison a fund which may be used in preparing for the manufacture and production of the articles named.

I might add that the scheme proposed, and indeed the bill as drawn, is fashioned upon the law that is now in force in the State of New York, and which has worked so beneficently there."

Governor's Supplemental Message.

JOHN F. SHAFROTH

GOVERNOR OF COLORADO

"The Seventeenth General Assembly passed a law giving to convicts, who worked upon public highways, ten days' commutation of sentence for every thirty days of work. That law, composed of only a few lines, has produced wonders for the convicts and for the State of Colorado. Under its exercise by Warden Tynan it has revolutionized the spirit of the prison. The warden sends out for highway construction the convicts termed 'trusties.' He makes each one swear that he will not attempt to escape. He establishes camps for the construction of road work, with gangs of from twenty-five to fifty at each camp. During the day time he has no armed guards. He simply has two unarmed overseers to direct the character and kind of work. At night there is but one armed guard and he is a trusty. In many of the States the complaint has been that the State cannot do road work by convicts, because the cost of the guards amounts to more than the cost of constructing the road by contract. The cost of guards in this State, under Mr. Tynan and the recent law, has been practically nothing. The work performed by the prisoner, stimulated by the promise that his sentence will be commuted ten days out of every thirty days of work, has been of such excellent character as to surpass that of the ordinary laborer employed to work upon roads. The convict knows that if his work is not good he is liable to be taken and placed within the walls of the prison. It is the fear of that event,

as well as the hope of the reward promised him by the law, that causes such excellent work. The escapes have been very few, a net loss of only one in the past six months. These camps consist of tents and are moved from point to point, and are not contained within any enclosure whatever. Every man in the prison is anxious to get out on road work and farm work, and about fifty-one per cent. of the prisoners have been utilized in that way during the past two years. The result has been most beneficial to the convicts. Instead of them leaving the prison at the end of their term, pale and emaciated from having been confined in cells behind prison bars, they are strong, vigorous and well equipped to earn a living by hard labor. This policy has a most wholesome effect morally upon the prisoners, as it teaches them that by good conduct and work they can receive rewards, even while serving sentences in the penitentiary. It has been of great value to the State. It is estimated by the warden that the cost of the roads built by the convicts if constructed by free labor, would have amounted to \$212,160. From the farms and gardens cultivated by the prisoners, over and above what was consumed by the inmates of the penitentiary, there was sold \$38,125 worth of products. This amount includes some sales from the lime quarries. The warden shows in his report that the total saved by the work of the convicts of the State, in the way of road building, farm work, lime making, repairs and construction of buildings, amounted during this biennial term to the sum of \$317,221."

Governor's Message, p. 6.

ALBERT W. GILCHRIST

GOVERNOR OF FLORIDA

The State convicts on March 2, 1909, were leased to the Florida Pine Company of Jacksonville for a period of four years, commencing January 1, 1910, at \$281.60 each per year. Under this lease there was paid to the State for the year 1910, \$366,134.81. Deducting incidental expenses, salaries of Supervisors of Convicts, \$10,000 appropriation for the State Reform School, etc., aggregating for 1910 about \$20,000.00, there is left some \$346,000.00, all of which is apportioned to the various counties in proportion to their assessed valuations. The terms and conditions of the lease are such that every suitable means of protecting the interest and

welfare of the convicts is provided for. As will be remembered, the contract provides for the withdrawal of all female prisoners, invalid male prisoners and such other prisoners who from any cause may be deemed unable to perform reasonable manual labor. The contract provides that after the withdrawal of the said women and invalid men prisoners, the lessees agreed to pay an extra fifteen per cent on the said per capita of \$281.60 for the prisoners remaining in their custody. This would make the price paid for those remaining in their custody \$323.84 each. With the approval of the Board of Commissioners of State Institutions the female prisoners and the invalid male prisoners were withdrawn, a special arrangement having been agreed upon by the Florida Pine Company for their care at the expense of said Company. Under the terms of this agreement, the additional fifteen per cent is retained by said company.

During the year 1909 there were handled 1,705 prisoners; during 1910 there were handled 1,781 prisoners. During 1909 there were fourteen deaths. During 1910 there were twenty deaths. The death rate per thousand for 1909 was 8.21; for 1910, it was 11.23. Considering that so many are diseased before entering the camps, this is a remarkably low death rate. In the registration area of the United States, including the New England States, New York, New Jersey, Delaware and the District of Columbia, as shown by the United States census for 1900, there were 17.8 deaths per thousand. I have no access to the death rate as shown by the United States census for 1910.

Some think it would be well to use the convicts in road building as is done in Georgia. This system has some objectionable features. I have examined somewhat into the Georgia system. In some of the counties, especially those in which there are cities, the longer term State convicts are assigned for work in such cities. The shorter term convicts are used in the construction of roads in the country. In some counties, in which there are no such cities, the long and short term men work on the roads. I examined a convict road camp in one of the counties of Georgia. In these camps, the men sleep in a movable car placed on four wheels, with bars, constructed very much in the manner in which a car is constructed in which animals are conveyed around in the various menageries forming a part of the circuses showing throughout our State, with this exception: in the circus cars there are usually only one or two animals. In the convict cars, there are sometimes ten or twelve convicts. They are

shackled and connected with a chain at night. On Sundays they rest under a canopy. Those who are not trusties are shackled and are attached to what is known as a log chain. Those whom I found located in a city were in comfortable quarters with good beds, and apparently as well cared for as those in the convict camps of Florida.

I hardly think that it is fair for a long term convict to be required to spend eight, ten or more years in such cramped-up quarters. Such movable carriages on roads, in road building are absolutely necessary, else if the convicts had permanent quarters they would necessarily consume all the time in going to and from work.

From an economical standpoint such a road system would not be advisable. Able-bodied convicts under the present lease will bring \$323.84 per year, guards, good clothing and medical attention being furnished by the lessee, together with transportation from the place of conviction. The same amount of money expended in free labor would probably produce better results than if the convicts were placed on the roads. In my judgment, the convicts would fare better in the present permanent convict camps than they would, if used in such temporary quarters. It might be well for a committee of the Legislature to visit a Florida Convict Camp and also to visit a convict camp in the neighboring State of Georgia. If the object in placing the State convicts on the roads is the amelioration of the condition of the convicts, actual observation of the conditions existing in Georgia and in Florida might result in a change of opinion. If the intention of those desiring such a change is to have more roads built, better results would probably be obtained if the law was such that the money proportioned to the counties, should be spent exclusively in the construction of good roads. * * *

Chapter 5941, Acts of 1909, appropriated \$50,000.00 for the purchase of a tract of land to be used as a State Prison Farm, and directed the Board of Commissioners of State Institutions to select and purchase same. For this purchase several tracts of land were offered and investigated. After careful examination the Board purchased 8,154.50 acres at \$5.00 per acre, situated in Bradford County near Ellerbe and Raiford. The Board took an option on 7,445.50 acres more at the same price, subject to action of the Legislature in appropriating money for the purchase of the same. This land is conveniently located to railway facilities. The Atlantic Coast Line Railroad runs along one side of it. There is a sta-

tion, Ellerbe, on the land. The Seaboard Air Line Railroad is three to four miles from the tract. The land is slightly rolling, well drained, underlaid with clay. I consider it as fine a patch of land as can be secured. The Board recommends the purchase of the entire acreage. This land is suitable for the production of staple products, such as Sea Island cotton, corn, sugar cane, etc., vegetables and strawberries, potatoes, etc. In fact, I regard it as a splendid piece of property. Eventually, in my opinion, the convicts of the State will be placed upon this or some other lands. In case it should ever be decided to remove the Reform School, it could be placed upon this land, as the boys at such school could be of much assistance in the production of strawberries and early vegetables. Of the 1,800 acres of land owned by the State at the Hospital for the Insane, there is scarcely ten per cent. suitable for cultivation. As Florida increases in population it may be decided to locate another hospital in some other portion of the State. If so, it would be well to locate the same on some of these lands. The lands of good quality in the immediate vicinity of this hospital are not of such quantity as to give sufficient employment to those patients of the hospital who would be glad to do some manual labor and to whom such work would be a God-send. However, if after purchasing the same it should be decided that the State does not need all this land, I am satisfied that one-half of it can be easily sold for enough money to pay for it all. In the event authority is given for the purchase of the remainder, it is recommended that a bill be passed authorizing the Board of Commissioners of State Institutions to dispose of such portions of it on such terms and for such price as the Board may deem just and proper. This land is not a solid tract, as there are several settlers owning land within its limits. The Board might consider it advisable to dispose of some of it with a view of purchasing lands so as to solidify its holdings. It would be well for a committee to examine this patch.

Referring to Section 4140 of the General Statutes, in which provision is made for allowing gain time to State prisoners for good conduct, and for faithful service, it appears that other States use a graduating scale, increasing gradually, so that after two or three years, the number of days of gain time will increase upon good behavior, the same to be forfeited by an attempt to escape. Such should be our law. The said section should also be amended to provide that upon good behavior, a convict sentenced for life shall receive his freedom at the expiration of twenty years' service in prison. For exceptionally good conduct, such as pre-

venting escapes, the Board of Commissioners of State Institutions should be authorized to allow a time credit of not exceeding five years, or such time as the Legislature may deem proper.

Some counties allow to county prisoners gain time for good conduct and faithful service. Some counties do not. All county prisoners should receive such gain time as a matter of right. County prisoners should also be given some moral or religious instruction. Under the contract, this is done for State prisoners.

Governor's Message, pp. 16-23.

JAMES H. HAWLEY

GOVERNOR OF IDAHO

"Provision certainly should be made for the employment of the convicts. The institution should be made as nearly self-supporting as possible. We cannot under the terms of the Constitution work the convicts except upon public works of the State and upon penitentiary grounds, nor if we could would it be proper to put this convict labor in competition with that of our citizens. I suggest to you the propriety of providing for a manufacturing industry that would not conflict with any of the industries carried on in the State, but would enable the labor of the convicts to be profitably employed and thus save much of the expenses entailed by their maintenance.

Another matter worthy of consideration is the establishment of a school within the penitentiary. A large proportion of the convicts are young men who have had but little advantages in the way of education. It strikes me that a school could be established within the penitentiary without any particular expense to the State, using some of the better educated convicts as teachers, which would do much to reform the younger convicts and better qualify them after their discharge to honestly earn their living."

Governor's Message, p. 43.

CHARLES S. DENEEN

GOVERNOR OF ILLINOIS

"Your attention is respectfully called to the development of the manufacture of limestone dust for fertilizing purposes at the Southern Illinois

Penitentiary, to which reference has already been made in connection with the Agricultural Experiment Station of the University. The growth of this work has made it possible to furnish employment to an increasing number of inmates of the penitentiary which very much lessens competition with existing industries. It is the constant aim of the authorities in charge of prison labor in the State to find employment of such a character as to accomplish this purpose, and there is reason to think that the demand for limestone dust in the near future will greatly aid them in their purpose by affording employment to an increasing number.

The first of the mills for the manufacture of limestone dust was installed in 1906. The increasing demand for the product since that time is shown by the following report of shipments:

1906	122 tons
1907	1519 3/4 "
1908	2428 "
1909	4346 "
1910	13652 3/5 "

So great was the demand for this material that in 1909 the Southern Illinois Penitentiary could not supply more than one-half of the orders received, although a second plant with three times the capacity of the first was added, thus giving the penitentiary four times its former producing capacity. Many orders placed by farmers for this dust were cancelled because it was impossible to fill them in time.

The possible capacity of the two dust mills now installed at the Southern Illinois Penitentiary is estimated by the penitentiary authorities at from 45,000 to 50,000 tons per annum. The authorities of the Agricultural Experiment Station express the opinion that the demand in the immediate future will require the installment of machinery for the production of at least 100,000 tons for the year 1912. Here, then, is a growing employment for the inmates of the penitentiary, which is, at the same time, a great benefit to the agricultural interests of the State. It is esimated that 6,000,000 acres in twenty-three counties in southern Illinois require the application of limestone dust to remove the acidity of the soil. This double advantage to agriculture and prison industry justifies me in commending to your careful consideration the desirability of following the suggestion that the producing capacity of the Southern

Illinois Penitentiary in limestone dust should be increased to the figure named and I urge that appropriations adequate for the purpose be made.

Governor's message—pp. 33-34.

THOMAS R. MARSHALL

GOVERNOR OF INDIANA

"In compliance with an Act of the General Assembly of 1909 I appointed Harry Slough, Edgar A. Perkins and Charles F. Woerner to serve with the Superintendent of the Reformatory and the Warden of the State Prison as a commission to investigate the question of so-called prison labor and to report. I submit herewith the findings of the commission, together with a supplementary report by Messrs. Slough and Perkins. I know no reason why the products of our penal institutions should not be used by the other institutions and municipalities of this State as rapidly as present prison contracts expire. I recommend, therefore, particularly in relation to the Reformatory, that the statute be so changed as to enable the superintendents of the various public institutions of Indiana to fix the prices of the Reformatory products and to require the superintendents to take those products at the prices fixed by them. This would not impose any burden upon the State and would prevent the Reformatory from competing with free labor; and as the contracts expire at the State Prison I recommend a like course of action."

Governor's Message, p. 8.

BERYL F. CARROLL

GOVERNOR OF IOWA

"The work of establishing a reformatory at Anamosa has only been fairly begun. While I have no desire to criticise what has been done, there is no question but that it should be extended. Men who are sent out from the institution ought to be able to take up some regular line of work and the fact that they are not able to do so makes it difficult for employment to be found for many of them and where men are not able to secure employment there is much greater danger that they will go wrong. Our institution is much behind those of some other States in respect to the training given the men at the reformatory and I do not deem it necessary to more than call your attention to this matter.

The question of providing a means whereby a part of the earnings of each prisoner may be used for the support of those dependent upon him is of vital importance, as many women and children are left as objects of charity and often to suffer severely by reason of having no one to assist in their support. Where there is no one dependent upon the prisoner the fund might be allowed to accumulate and be turned over to him at the time of his release to assist him in getting started. I, however, seriously question the wisdom of turning money over to a prisoner to be used upon himself while in prison."

Governor's Message, p. 33

WALTER R. STUBBS

GOVERNOR OF KANSAS

"A large number of prisoners are now working ten hours a day and six days in the week in the State Penitentiary, manufacturing twine and brick, digging coal and working on the farm for the benefit of the State. The State pays its prisoners three and one-third cents a day in cash in addition to board and clothes. The twine plant earns from two to three thousand dollars per month. The coal and brick plants are very profitable with labor employed on the above basis; but what becomes of the helpless, penniless wife and children, or, perhaps, a dependent father or mother, left to struggle and suffer in poverty and humiliation at home? It is my opinion that when a woman marries a man, and children are born as a result of that marriage, the wife and children have the first claim on that man and his labor. The claim of the State is inferior to the claim of the wife and children. The labor of a man, even in the penitentiary, is worth more than three and one-third cents in cash per day and his board and clothes, and I recommend that the net earnings above cost of food and clothing of prisoners in the penitentiary who have families in Kansas be paid to those families for the purpose of maintaining the home intact until the prisoner can again return to his own."

Governor's Message, p. 5.

JARED Y. SANDERS

GOVERNOR OF LOUISIANA

"The use of State convicts in the construction of the public highways of Louisiana has passed the experimental stage. It has been found by

actual experience that the use of the convicts in this work is both economical and efficient.

There are at present, owned by the State, four farms, which, with our levee camps, absorb nearly all of the convict population, leaving a very small relative number that can be used in the construction of highways.

I, therefore recommend to the General Assembly that legislation be enacted to authorize and empower the Board of Control of the State Penitentiary to dispose of all these farms, except the Angola property, in order that a large number of convicts be made available for road construction.

I recommend legislation that will enable the Board of Control of the State Penitentiary to erect and equip a Sugar Factory upon the Angola property."

Governor's Message—p. 17.

AUSTIN L. CROTHERS

GOVERNOR OF MARYLAND

"The Road Commission is most anxious that some way may be found in which the cost of the construction of these roads can be reduced, and I am of the opinion that this purpose can be materially effected by the passage of a law authorizing the use of convict labor from the jails and other penal institutions of the State on road work in getting out material in quarries and in other capacities where they can be safely and conveniently used."

Laws have been passed in many States of the South providing for this kind of labor on the public highways, and it has worked most successfully and great improvement of the public roads has resulted. By doing this a return can be made for the money expended in maintaining prisoners in jail and in other prisons throughout the State, and would be much better for the prisoners themselves that they have such open-air employment, instead of being confined in prison idle, where they frequently become victims of tuberculosis and mental diseases.

I, therefore, strongly recommend the passage of legislation enabling this to be done, which should be of a character which would prevent any abuses to the convict when engaged in such work, and that would

prevent their escape, and should be broad enough in its provisions to permit the road authorities to avail themselves of its use for any kind of road work, either on improved roads or repair of the ordinary dirt roads of the State.

Governor's Message—pp. 17-18.

CHASE S. OSBORN

GOVERNOR OF MICHIGAN

"I desire to especially call your attention to the profitable achievements of the Detroit House of Correction as an illustration of what may be done in the way of prison labor. The problem of convict employment is one most difficult to solve. In several States convict labor on the public highways is employed to advantage. The Colorado honor system seems to be especially good. I hope convict labor on roads will be given a full and fair trial in Michigan. The contract system seems to have been abused in Michigan. Contractors have reaped profits at the expense of Michigan taxpayers. I hope that out of the especial study of this matter, directed by and arranged for by the last legislature much good shall come."

Governor's Message, p. 19.

ADOLPH O. EBERHART

GOVERNOR OF MINNESOTA

"The Minnesota State Prison is recognized as a model institution of its kind, and the construction of new buildings is progressing rapidly. In the manufacture of farm machinery the State has taken an advanced step and the output of 231 mowers and 70 binders during the past season will undoubtedly demonstrate the importance of this work."

Governor's Message, p. 41.

HERBERT S. HADLEY

GOVERNOR OF MISSOURI

"The establishment of such an institution would also, in my opinion, furnish a good means for a change in the system of contract labor that now obtains and has obtained for many years at the State Penitentiary.

The abandonment of this system has been endorsed by both of the leading political parties in the last two campaigns in their state platforms. But the substitution of proper employment for the 2,300 men and women confined in the State Penitentiary for the present system of contract labor presents a very difficult problem. And this question is rendered more difficult by the fact that this system of labor has become thoroughly established through the many years that it has been in existence. If a State Reformatory could be established and a means of occupation provided for those confined therein, other than by contract labor, the system could, after proper experiment, be extended to the State Penitentiary. But in addition to this advantage, the benefit to society of such an institution is so apparent that argument in its favor is almost unnecessary."

Governor's Message—p. 21.

ASHTON C. SHALLENBERGER

GOVERNOR OF NEBRASKA

"The State Penitentiary will also show a small deficiency. It is not so large in amount as that of two years ago and if this institution was credited with a fair amount of remuneration for the light and power it furnishes to other State buildings including the state house, the governor's mansion and the orthopedic hospital, it would be self-sustaining. The addition of a shirt factory to the broom factory already in operation at the prison has so increased the income paid by this institution into the State Treasury that the warden is warranted in his claims that he has succeeded in putting the prison upon such a sound business basis that it now is no longer a charge upon the taxpayers of the State."

Governor's Message, p. 18.

TASKER L. ODDIE

GOVERNOR OF NEVADA

"In many of the States convicts from the penitentiary are utilized in highway construction with the most satisfactory results, both from the standpoint of economy and the benefit derived from wholesome out-of-door exercise by the prisoners. The system, which originated in New Mexico, of employing convicts in road work, is being adopted, one after

another, by the northern States. Under this system the detail of a convict to road work is regarded as a privilege. It is in no sense compulsory, and only the better class of prisoners are assigned to it. The convicts are required to do a reasonable day's work, to obey the rules and regulations of the road-building camps, and the only punishment for disobedience or infraction of the rules is return to confinement in the prison. They are only nominally guarded, and are in charge of an overseer who directs their work. The history of the system in the various States which have adopted it shows very few attempts by convicts to escape. Their work in no wise can be said to be competitive with free labor, since, as a general rule, the construction of highways by convicts has stimulated more road building by free labor than was ordinarily done previous to the inauguration of such system, and the general effect incident to the construction of good roads has been the stimulating of many industries and avocations, affording employment for additional labor, which had previously been dormant.

In the Nevada State Prison are about 190 convicts, possibly over 100 of whom could be used in road building. In ordinary seasons they could be so employed from eight to nine months in each year, and in the course of time the splendid highways which such a body of men would construct would be of immeasurable benefit to the State. The cost of their maintenance in this work would be very little greater than keeping them, as now, in unwholesome and brooding idleness within prison walls. Statistics, moreover, are obtainable, to show that discharged prisoners from the road camps are in a far better physical, moral and mental condition to rehabilitate themselves as useful members of society than those directly discharged from prison, which is an argument not secondary to any other in favor of the system. I urgently recommend legislative action in conformity with these views."

Governor's Message, p. 16.

JOHN A. DIX

GOVERNOR OF NEW YORK

"I am having a special examination made as to conditions existing in this important branch of the government and hope before your session is far advanced to be in position to make to you some extended recommendations on this subject."

Governor's Message, p. 14.

WILLIAM W. KITCHIN
GOVERNOR OF NORTH CAROLINA

Commutation to County Prisoners. "I recommend that commutation for good behavior be allowed prisoners on the public roads of five days in each month as is allowed in the State's Prison."

Governor's Message, p. 30.

JUDSON HARMON
GOVERNOR OF OHIO

"The bill just mentioned contained a provision which is necessary to prevent idleness and loss at the penitentiary and other institutions. Under the Wertz law the contract system has now given way to the direct employment of labor by the State. The market for products must be broadened so as to include counties, townships and municipalities or the new plan is doomed to certain failure."

Governor's Message, p. 15.

OSWALD WEST
GOVERNOR OF OREGON

"There are approximately 430 prisoners now confined in the State Penitentiary. Many of these prisoners are employed as helpers around the institution, others in the State's brickyard, while a large number of them are employed in the stove foundry in accordance with a ten-year contract made by the State November 20, 1907, with the Lowenberg & Going Co. The State receives 45 cents per ten-hour day for their labor and the contract calls for the employment of not less than 150 men and as many more as the company requires providing they can be spared without depriving the State of necessary help around the institution.

Objection has been made to the employment of convicts in competition with free labor, and there is merit in the objection. But common decency and the consideration which we should have for the unfortunate make it imperative that the convicts be given employment of some kind. Until some unobjectionable system of employment is devised it would be most inhuman to condemn these men to idleness and to thus deprive them

of the God-given blessing of useful occupation. It should be the aim of the State, therefore, to provide them as soon as practicable with employment which will remove them as far as possible from competition with free labor. The best solution it seems to me is their employment in the construction of roads. I am advised that the good roads measures which are to be introduced at this session of the legislature will call for the use of convict labor, and, if so, I hope the people will give the experiment a fair trial, for if it proves a success it will not only insure good roads for, but a great saving to, the State, and will provide healthful outdoor work for the prisoners and go a long way toward putting an end to competition between free and prison labor."

Governor's Message, p. 12.

ROBERT S. VESSEY

GOVERNOR OF SOUTH DAKOTA

"In this connection, it is my desire to add a few words in the interest of the families of prisoners. It is very seldom, if ever, that the person who is sentenced for a crime bears alone the consequences of his misdoing. If a father is thrown into prison the wife and little children are very often left poverty-stricken and without support and certainly such a family has an undeniable right to public assistance. The question for you to solve is, 'How shall this assistance be given?' If the prisoner is allowed to work and is earning money, a portion of his earnings should surely be employed to assist his needy family and as much as possible relieve their suffering. I ask that you give this phase of the prison labor question your deliberate consideration, and that you investigate the methods employed in the various States which serve to safeguard the home and which are a means of protecting society in general from the disastrous results of the presence of degraded families, suffering because of the fall of the bread-winner."

Governor's Message, p. 9.

BENJAMIN W. HOOPER

GOVERNOR OF TENNESSEE

"Several of the States are engaged in building roads with convict labor. To what degree this method has been successful, and to what extent it can

be adopted in Tennessee, should be investigated by the Legislature. It would carry with it the desirable incident of diminishing the competition of convict labor with the free labor in the mines. The problem of properly caring for the convicts on the road should not be overlooked."

Governor's Message, p. 13.

O. B. COLQUITT

GOVERNOR OF TEXAS

"I shall not undertake a full discussion of this important subject at this time. Later I will probably discuss the matter fully in a special message. The act of the Fourth Special Session of the Thirty-first Legislature creating the Prison Commission and providing for the management of the prison system of the State goes too much into detail. After a few weeks study and practical effort to apply the law, the Prison Commissioners may be able to make some suggestions for practical changes, and if so they will be communicated to you, with such recommendations and observations as are deemed advisable. I believe it would have been far better had the Legislature been content to declare the general purposes and policies of the State in the management of the penal system and then provided the Prison Commission with ample powers to issue orders and make all adequate and necessary regulations to carry such general purposes and policies into effect. A law modeled after the Railroad Commission Act, passed in 1891, would have been far more practical and satisfactory in its application and results. Unless the law is remodeled, the cost of carrying into effect and operating the system is going to be very largely more than under the present statute. Some estimate of the increase in the cost will approximate a million dollars or more per annum."

Governor's Message (House journal, p. 238.)

WILLIAM SPRY

GOVERNOR OF UTAH

"It is the desire of the Prison Board, the Warden and the Governor to place this institution more nearly on a self-supporting basis, and much inquiry and attention has been devoted to this matter during the past

two years. As a means to this end the board is asking for an appropriation to cover the cost of fruit trees which it is designed to cultivate on the high land of the prison reservation."

Governor's Message—p. 18.

MARION E. HAY

GOVERNOR OF WASHINGTON

"The use of convicts in highway construction and in rock-crushing plants has proved highly successful. I recommend that, after a convict has served his minimum sentence on either road work or in the crushing plants or six months after he has been transferred from the penitentiary to road camp or rock-crushing plant, the State place to the convict's credit fifty cents for each day's work; that, if the convict has a family or others dependent upon him for support, this money be remitted quarterly to those dependent upon him; and that, if he has no one dependent upon him, this money be placed to his credit and paid to him upon his final discharge. This should be made a charge against the road appropriation for prisoners employed on highway construction, and against the revolving fund when employed on crushing plants."

Governor's Message, pp. 9-10.

WILLIAM E. GLASSCOCK

GOVERNOR OF WEST VIRGINIA

"Our laws should be so amended as to make it mandatory on county courts to work able-bodied male prisoners, incarcerated in our county jails, on the public highways. Some of our county prisons are filled with strong men and they could render a real service to the state by assisting us in solving the problem of better roads."

Governor's Message—p. 36.

JOSEPH M. CAREY

GOVERNOR OF WYOMING

"It is with some reluctance that I speak of the penitentiary at Rawlins for the reason that it was much discussed in the late political campaign. Both political parties, as well as myself, in an independent letter, declared against the contract system that has been in vogue since the organization of the State Government. In an unofficial way I came to the conclusion

that the manner in which this institution has been conducted has been a disgrace to the State. It is a sad thing to become a convict. A man who is so unfortunate as to commit a crime and become subject to the penalties of the law is at once ostracized; with the best of intentions it takes years for him to overcome the odium; and yet he is none the less a man, formed after the image of his Maker, and is especially entitled to the consideration of those who have no inclination to violate the law. I believe in uplifting the unfortunate, even the criminal. Criminals must be punished and have to be punished, but in the punishment of them it should ever be kept in view that the convict's condition may be improved that he may repent of that which led to his downfall, and be made a good and useful citizen. It is not expected that he should have liberty; that he should be fed and clothed at great expense or that he should be treated as a child for the violation of the rules of the penitentiary, but modern civilization demands that he should have suitable food and his punishment should not be cruel, and when freedom comes there should be an incentive for him to be a good citizen. I believe that there should be a thorough examination of the conditions as they have existed under the contract system at Rawlins, and that it should be disclosed to the people of this State who have been the beneficiaries under the contracts. Through a proper officer I believe the penitentiary should be managed by the State; that there should be definite rules for the government of its inmates; that steady work should be given to the convicts and that they should have palatable and healthful food. I believe that where practicable the convicts who are sufficiently reliable should be given work on the public highways in the open air, and that the others should be given work inside of the penitentiary. Those who are strong should be compelled to do hard work; those who are weak should be given light work. The prison should become a great industrial factory and made as nearly self-supporting as necessary. The convict should contribute to his own support and to the support of his family if he has one. A small percentage of his earnings should be set aside for his sole benefit, to be used by him or for him when liberated. The convicts should have proper medical attendance. They should be given an opportunity for worship uncontrolled save by their own desires. To carry out these plans may need additional legislation."

Governor's Message, p. 27.

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PRISON LABOR IN LEGISLATION.

Compiled September, 1911.

ADMINISTRATION AND INSPECTION.

ALABAMA—Office of State Prison Inspector created; term 6 years; salary \$4000; only physician eligible; appointment by Governor; provision for assistance; broad powers over jails and almshouses. No. 303.

ALABAMA—Prison inspector's duties are extended to visitation of all state institutions under direction of the Governor. No. 530.

CONNECTICUT—Contracts for the labor of inmates of penal or other state or county institutions in the manufacture of goods are to be made only after public notice in at least three daily papers; the most advantageous bid must be accepted; and no contract may be made for a period exceeding four years. The act does not apply to contracts for the labor of inmates of county institutions in farm, domestic or casual service. C. 275.

FLORIDA—No act leading to the leasing of state convicts is permitted until July 1st, 1913 (con. res. 30). A committee of five, two from the Senate and three from the House, to visit the location for the State Penitentiary purchased from the Empire Lumber Company, inspect other lands held on option and report to the Legislature (con. res. 8). Appropriation of \$50,000 is granted to purchase grounds held on option for the state prison farm, to build and equip necessary buildings needed upon the expiration of the state convict lease, Dec. 31st, 1913. Title to grounds to be searched and contiguous parcels of land secured and detached parcels sold. (C. 6134). Tax assessor is notified that the lands are state lands and not taxable in 1911. con. res. 12.

IDAHO—A Prison Labor Commission is created (consisting of the warden of the penitentiary, as chairman, and two others appointed by the Governor within sixty days, to hold office without salary until Jan. 1st, 1913), its duty being to investigate the employment of prisoners at the penitentiary, propose amendments to present laws and report to the next legislature. Appropriation of \$500 for expenses. H. J. R., 24.

KANSAS—The Penitentiary Board and the Reformatory Board are consolidated, July 1st, 1911, into the Board of Penal Institutions, a bipartisan board of three electors, none of whom are office holders or resident in the same subdivisions of the state, appointed by the Governor

with the consent of the Senate for terms ending one each year. This Board has full power to run the institutions. A Treasurer, to be elected from the Board and duly bonded, has power to pay \$5.00 a day and travelling expenses to members of the Board. Officers of the institutions are not allowed to be relatives of supervising officers. C. 298.

MASSACHUSETTS—Prison commissioners are instructed to report to the next general court a plan for the extension of the state use system or such other system of convict labor as will injure free workmen the least. Res. C. 143.

MICHIGAN—The extension of the act establishing the Detroit House of Correction allows the establishment of similar institutions in any city of 100,000. C. 278.

MISSOURI—The prison physician is added as an exception to the rule providing that prisoners shall not be hired out for domestic service. P. 124.

NEBRASKA—John Howard's Birthday is to be observed as a legal holiday in all penal and reformatory institutions. C. 135.

NORTH CAROLINA—The Board of County Commissioners of Brunswick County is authorized to establish a convict force; convicts to be sentenced to work. S. B. 1530.

N. CAROLINA—Governor is authorized to appoint a committee of three to consider the question of a workhouse or reformatory, to report in 1913; \$800.00 is appropriated. Approved Apr. 13, 1911.

N. CAROLINA—Felons' stripes are worn by felons while working. Misdemeanants are required to wear a different uniform or citizens' clothes. An official guilty of violation commits a misdemeanor and is liable to fine or imprisonment or both and also suit for damages. C. 64.

N. CAROLINA—A Reform and Manual Training School for Colored Youths (seven to sixteen years) is incorporated under a board of trustees. The manual training department is to be established and all inmates are to be taught useful trades. The manual labor is to be as the officials direct, emphasis being placed on how to work and be industrious. The farm and workshops are to be established to keep regularly at work all able-bodied inmates. C. 122

NORTH DAKOTA—Board of Control of State Institutions is provided. It is to be bi-partisan and consist of three members, appointed by the

governor, with the consent of the senate, for a term of two years. Salaries \$3000.00 a year and travelling expenses. Appropriation of \$15,000 annually to cover expenses. Inspection by State Auditing Department. Members to give bond of \$25,000 and not to hold other lucrative office in state or state institution. Board has full control over charitable, penal and reformatory institutions and is to prepare annual statement showing itemized expenditure of each of said institutions. Board reports biennially to governor. H. B. No. 271.

S. CAROLINA—A county House of Correction for females convicted for other than capital offences, is provided, to be administered by the county board of commissioners; inmates are to be employed in useful occupations. C. 87.

S. CAROLINA—The investigation of the penitentiary (knitting mill) is required by resolution to be undertaken by the State Board of Health; also steps are to be taken to prevent spread of tuberculosis. The expenses to be paid out of the Penitentiary fund. No. 285.

TENNESSEE—\$50,000 is appropriated for the erection of suitable buildings and purchase of materials for equipment of the Tennessee Reformatory for Boys, to be located on the farm already purchased. Board of Trustees to supervise erection and equipment of said building. Due publicity before acceptance of bids. Contract to be let to lowest responsible bidder. S. B., No. 105.

TEXAS—A constitutional amendment is to go to the people providing for the creation of a Prison Commission consisting of three, holding office for six years, one appointed every two years by the Governor, to have full control of prisons. H. J. R., No. 22.

FARMS.

MAINE—Convict labor regulations of county farms extended to inebriate farms. C. 77.

MINNESOTA—Farm colony for inebriates is established. S. F. 149.

NORTH CAROLINA—Commissioners of Jackson County to work convicts sentenced for not more than ten months and those confined for non-payment of costs on county farm. S. B. 682.

OKLAHOMA—For a farm site adjoining Reformatory \$12,000 is appropriated. C. 154.

PENNSYLVANIA—The Board of Inspectors of the Western Penitentiary is empowered to secure one thousand five hundred acres of forest land and take the necessary steps toward the erection of a suitable institution. "The impossibility under the existing laws relating to manufactured products, to keep the inmates sufficiently employed, by reason whereof a large number thereof become insane and permanent charges upon the state," is the cause of the change. \$1,250,000 is appropriated. Able-bodied male convicts are to assist in the improvement of the tract and construction of the building. No. 37.

MINES.

ALABAMA—Convicts mines are to be inspected and regulated under new mining act which provides for state inspector, etc. No. 493.

KANSAS—Penitentiary Board is authorized to purchase two coal mines at \$3,000 each. C. 300.

PRISONER'S EARNINGS.

FLORIDA—Fines and cost reduced by credit for imprisonment over and above subsistence. C. 6176.

MAINE—In cases of prisoners committed for desertion, keepers of county institutions notify weekly the county commissioners of the number of days' work done by prisoners. Commissioner sends order upon treasury to aid in support of families. C. 144.

MASSACHUSETTS—In case of desertion and non-support the court imposing the sentence may, if he finds destitution amongst the dependents, order that fifty cents for each day's hard labor performed by the prisoner be paid for relief. C. 456, sec. 8.

MICHIGAN—Wages are paid the convicts in the wisdom of the board. The wage is for over-time work beyond the fixed task, and is paid out of the sale of the products; a limit of 15 cents a day is set. No. 239.

MISSOURI—An appropriation is allowed by a county court to the limit of \$12,000 for the support of widows and the wives of prisoners who are poor and with children under 14 years of age. Page 121.

RHODE ISLAND—Fines can be worked off at fifty cents a day for first thirty days; one dollar for the ensuing days, instead of twenty-five and fifty cents as formerly. C. 669.

PROHIBITION OF SALE OF GOODS.

MONTANA—The sale of prison-made goods (not marked prison-made) is prohibited. Penalty for violation not less than \$25.00 or more than \$300.00, or imprisonment for not less than 30 days or more than 90 days, or both. C. 32.

OREGON—The possession, for the purpose of sale, of convict goods not branded "convict-made," is a misdemeanor, with penalty of \$1,000, or imprisonment for one year or both. Exception is made to goods manufactured under existing convict contracts with the state of Oregon¹ (C. 21). Congress is memorialized to prevent the flooding of the state with convict goods to the detriment of home industries, which results from lack of protection on account of the ruling of the courts in reference to interstate commerce laws, by enacting a law requiring all convict goods in interstate commerce to bear certain labels.

H. J. M., 5.

PUBLIC ACCOUNT.

KANSAS—\$105,000 is appropriated for repairs of shops, mines, and for the payment of wages for convicts at the Penitentiary, together with sums for salaries of foremen and officials of brickyards, clothing shops and mines, including fire bosses. The employment of convicts by private citizens outside of the penitentiary grounds for hire or otherwise is prohibited; surplus convict labor is to be used in extending and repairing state and county roads and upon other work exclusively for the benefit of the state. Other persons than convicts are not to be boarded or fed at the penitentiary at the expense of the state. Employees of the penitentiary, having families, are allowed 150 bushels of coal annually free and additional coal at cost, beginning with the fiscal year 1912. The warden is required to give bond for \$100,000, the premium to be paid from an appropriation made for the maintenance of the twine plant. C. 13. A revolving fund is established by the appropriation of \$31,280.90, from the profits of the binder-twine plant. The chief clerk is to be clerk of the binder-twine plant and give bond. C. 14.

MICHIGAN—The state account fund is established by the appropriation of \$125,000 to be used for the state prison and the branch peniten-

¹Declared unconstitutional, September 5th, 1911.

tiary in their manufacturing, as required by law, together with added authority to the warden and Board of Control to appoint superintendents and other mechanical employees to carry on the work, and to fix their compensation, to remodel buildings and buy machinery. When, by the sale of the products, the fund reaches \$100,000, the surplus may be used in buying machinery and constructing new buildings. Bonds of \$50,000 are required of the warden. Price of goods is fixed once a year unless price should prove unfair; preference is given to purchasers within the state and in case of bad debts the state shall be a preferred creditor.

Acts Nos. 151-152.

MICHIGAN—The warden in the name of the prison, with the approval of the board, may bring action to recover moneys owed to the institution.

No. 219.

MINNESOTA—Industrial work in the state prison at Stillwater is to receive from the building fund \$225,000 annually, to be provided by a general tax levy.

H. F. 517.

N. DAKOTA—Limitations are placed on sale of products of binder-twine plant after May 1st, except that the sale of rope is unrestricted.

C. 203.

N. DAKOTA—The state prison revolving fund is established by the appropriation of 25 per cent of the yearly net profits of the penitentiary binder-twine plant. This fund upon reaching \$100,000 is available for running expenses for a farm-machine and implement factory (binders, mowers and hayrakes) which may then be installed. The warden is given travelling expenses to study methods in other prisons.

C. 204.

WASHINGTON—The product of the jute factory is to be sold as formerly, but additional precautions are to be taken in the manner of sale.

C. 132.

WISCONSIN—For equipment of binder-twine plant \$450,000 is appropriated to be paid half Jan. 1st, 1912, and half Jan. 1st, 1913, from the state treasury. Warden is to give bond for \$50,000. Revolving fund created refunding to the treasury after it reaches \$100,000. Price of twine fixed by the Board of Control, but in selling preference is to be given citizens of the state.

C. 377.

PUBLIC HIGHWAYS.

COLORADO—Male prisoners in county and city jails are compelled to work for eight hours a day; road work is permitted, except that bridge building and other work of like character requiring skilled labor is prohibited. One half of the net earnings of the prisoners after the deduction of the expenses for guarding, is to be paid dependents who are likely to become a public charge. C. 130.

FLORIDA—Work on public roads by county convicts is allowed in Columbia County upon the expiration of existing leases, upon petition of the majority of voters. C. 6258.

IDAHO—A constitutional amendment is to be voted on at the next general election to consider the repeal of the provision that convicts shall not work outside the prison grounds except on public works under the direct control of the state. C. 234.

ILLINOIS—Board of Prison Industries under direction of the Governor is authorized to employ not more than 40 per cent of the state prisoners in improving the channels of certain rivers. H. B. 737.

KANSAS—County Commissioners may allow prosecuting witnesses, failing to pay fines and costs adjudged against them, by agreement, to labor on public works instead of on the chain gang. C. 235.

KANSAS—Surplus prisoners in the penitentiary and reformatory to be used in the construction of certain macadamized roads. C. 252.

MICHIGAN—All able-bodied state prisoners may be placed on the county roads. "A fair and just compensation for such labor" shall be paid by the road commission, the minimum to be fixed by the Joint Board of Control at fifty cents a day, plus a bid-price bonus. The award of labor is to the highest bidder. The expense of guarding "if guards are necessary" is born by the prison authorities—transportation, housing, food and tools by the county road commissioners; stone crushing and like work is allowed, but nothing requiring skilled labor. Board of Control is empowered to grant additional good time allowance conditioned on good behavior while so employed. No. 181.

NEVADA—Male convicts in state prison are allowed, if they desire and the warden and board are willing, to be placed on the state roads. Stripes need not be worn, the maximum punishment being return to penitentiary and forfeit of credits. Ten days in addition to the usual deduction for good behavior are allowed per month as reward and a

wage of 25 cents a day, which the prisoner may request the board at its discretion to pay dependents in distress, or to retain until release when it is added to discharge money. The work is under the state engineer with the approval of the Prison Commission. County road work is by agreement. Bridges are built by skilled labor. Expense of maintenance of convicts is charged to county. Prison authorities regulate hours, conduct, and general control of prisoners and pay 50 cents a day toward clothing and commissary. \$20,000 is appropriated as a general road fund for all other expenses. C. 71.

NORTH CAROLINA—Board of Commissioners of Buncombe County to work convicts outside the county for the purpose of getting out material for road work. S. B. 873.

OHIO—The Board of Managers of the Ohio Penitentiary is authorized to operate a stone crushing plant and manufacture crushed stone to be sold in the open market for roads and ballast. S. B. 238.

S. CAROLINA—Able-bodied male convicts, including those sentenced for over ten years, are placed on chain-gang, unless otherwise provided by special order of the judge. Certain counties are made exceptions. Races and sexes are to be separated, except at the penitentiary, the state farms and Kershaw County. County Commissioners may turn over chain-gang men to the penitentiary. No. 110.

UTAH—Limitations are taken off the work of convicts on roads. The county commissioners are authorized to make regulations for state prisoners to work on roads laid out by the road commission, through a road engineer paid by the commission. The prisoners are to be supervised by the warden who pays guards and foremen, purchases road material and tools and provides for transportation. Hours of labor limited to eight. \$20,000 is appropriated. The Board of Pardons has power to give reduction of sentence for good behavior. C. 75.

UTAH—County Commissioners are empowered to build city jails and workhouses and make regulations (C. 120) and to provide for the work of prisoners in county jails on roads and public buildings. C. 119.

WASHINGTON—Stockades and other buildings are authorized to be built at suitable quarry sites by the State Highway Commissioner who shall secure machinery and equipment. A sufficient number of able-

bodied convicts are to keep the quarry running continuously. Convicts shall be in charge of the Superintendent of the Penitentiary. Crushed stone shall be sold to the state and sub-divisions of the state at not less than 10 per cent above cost to produce. Preference is to be given the state and sub-divisions but stone may also be sold at not less than cost to the public, preference being given to the citizens of Washington. Free labor may be employed within the stockade and at the quarry sites in the production of material. \$100,000 is appropriated to carry this into effect. Profits are to be placed in a rotary fund. C. 114.

STATE USE.

CALIFORNIA—Convicts are to be employed in manufacture exclusively for public use, except that the manufacture of jute and the crushing of stone, and their sale, continue as at present. The Board of Prison Directors is to determine the kind, quality and quantity of goods to be manufactured and fix the price, which is to be as near as possible, prevailing market price. All articles, materials and supplies are to be purchased from this source if the prisons are able to furnish them. The State Board of Examiners shall regulate the sale and distribution, and the system of payments and accounts. Part 1. C. 56.

CALIFORNIA—A permanent revolving fund is provided and an appropriation of \$20,000. The fund, having been turned, any surplus resulting is semi-annually to be paid into the treasury and to be the "prison fund of San Quentin Prison" for the support of the prison and the industries therein. C. 57.

IDAHO—Permission is granted to work convicts on all public works under the direct control of the state. Prohibition of employment of convicts outside the penitentiary, and of letting contracts for labor conflicting with the existing manufacturing interests of the state are repealed. C. 216. Permission is granted to work prisoners in preparing grounds, manufacturing building material and constructing state sanitariums, under prison guards paid out of appropriation for the building of the sanitarium. C. 41.

INDIANA—The Board to fix prices is reorganized into the Board of Classification, omitting the Governor and Auditor, and composed of the President of the Reformatory, the Superintendent of the Reformatory

and the head officer of two other state institutions (to be named annually by the Governor). This Board is to determine the quality and style of articles as well as price. Goods cannot be brought for the state and political divisions from any source other than the reformatory save upon release by the superintendent. The provision that the political divisions cannot be compelled to pay a greater price for supplies than that at which supplies of like quality can be purchased elsewhere, is repealed. The fund from the profits of contracts and trade schools since 1905 can, when it reaches \$50,000, be used as a working capital for the development of the state industries. C. 212.

MISSOURI—The contract system, after the expiration of existing contracts, and the public account system, except in the case of binder-twine, are prohibited. The working of three hundred state prisoners on state roads is allowed. Hard labor, eight hours a day, is prescribed as a means of industrial training and the production of supplies for the state and political subdivisions including all the public offices and institutions, together with building material therefor is authorized. Beginning April 1st, 1912, at least three hundred convicts shall be added each year to the number thus employed until all are employed. Board of Penitentiary Inspectors fixes the price at which supplies shall be sold. From no other source, unless upon releases signed by the inspectors, can such supplies be brought, audited or paid for by state officials. Authority is given to equip the institution for this work and to sell old machinery. A detail report is required to be sent to the Legislature. S. B. 23.

N. JERSEY—The sale on the open market of the products of convict labor of any state penal institution is prohibited, after the expiration of existing contracts. A preferred market is established consisting of all manufacturable articles consumed by the state and subdivisions thereof. A Prison Labor Commission (consisting of the Commissioner of Charities and Correction, the Prison Warden, the Reformatory Superintendent and two others appointed by the Governor with the consent of the Senate for a term of five years from May 1st, 1911), is created to so regulate the penal industries that there is produced the greatest amount consumable by this preferred market. It is to publish a list of all possible articles of manufacture and grant releases

when articles cannot be supplied. Penal officers are required to keep all physically capable convicts employed, not to exceed nine hours a day except Sundays and holidays, on productive work or in receiving industrial and scholastic instruction. Yearly budgets are to be sent by October 1st to the Commission by all purchasing officials in the state. The penal institutions are to report fully regarding all convict labor and its productive power together with the cost of production. A uniform system of accounting is to be established, together with a standardization of commodities to be manufactured, on which is to be affixed a fair price. Agricultural pursuits are to be given preference and the products sold as above, except that the surplus products may be sold at advertised auction to the general public once in six months unless they are of destructible character and require more immediate sale. Counties and municipalities are to conform to the state plan but may employ the prisoners for their own use. Charitable institutions are allowed to manufacture for their own use. Prisoners' families dependent on charity are relieved by the Commissioner of Charities at the rate of fifty cents for every day the prisoner works. The relief fund is limited to 5 per cent of the value of all goods produced. The services of charitable societies are to be used for making investigations of families. The estimates of added appropriations needed to carry this into effect are to be included in annual estimates. Commission reports to the Governor. S. B. 150.

N. JERSEY—The Board of Managers of New Jersey Reformatory can cancel contracts for labor of inmates, with consent of contractors, and adjust claims. C. 99.

N. DAKOTA—A factory for supplying equipment for schools and public institutions is authorized, to be established and maintained out of a fund consisting of 25 per cent of the net profits of the penitentiary brick yard, which profits previously went for road building. The value of the convicts' labor the warden is authorized to deduct from the profits of the brick-yard and school-supply factory and to use for any institutional purpose. C. 205.

OHIO—A Board of Administration, consisting of four experts, is created to take over the entire management of the charitable and penal institutions of the state to ensure scientific treatment and the highest attainable degree of economy in the administration of state institutions.

A salary of \$5000 and expenses is given with a tenure of office for four years, together with the offices of Secretary at \$5000 and Fiscal Supervisor at \$4000. The entire time of the members is required and residence at the State Capitol. No more than two are to be members of any one political party. August 15th, 1911, is the date of assumption of control by the Board. Besides the usual administrative duties in regard to the institution the Board may assign the industries, fix the prices at which the goods may be exchanged (seeking to attain the usual market price), fix upon designs and enforce the purchase of articles. An officer or agent violating the provision is guilty of misdemeanor and liable to fine of \$25.00 for first offence and \$100.00 for subsequent offences. Board is to regulate the culture of institutional lands and rent additional lands if necessary, the products to be sold to the state institutions; also to establish a system of accounting and to require from the officials of the state and political divisions estimates for the ensuing year. In investigations the Board is empowered to administer oaths and compel attendance of witnesses and to pay the fees of the same. An annual report is to be made to the Governor and the administration is to be absolutely non-partisan.

H. B. 146.

WYOMING—The State Board of Charities and Reform (the Governor, Auditor, Treasurer, Secretary of State and the Superintendent of Public Instruction) is empowered to create the office of warden, salary \$2000. This Board and the Warden are created a state Commission on Prison Labor, to regulate, according to its best judgment, the employment of the state convicts so that they acquire a knowledge of a trade at which they can earn a livelihood upon release. The labor of the convict is to be upon products for the state and subdivisions of the state. Public officials cannot purchase in the open market, unless upon release by the Commission. Budget for the ensuing year must be sent the Commission by October 1st each year. A uniform system of reports and accounts may be required for requisition of supplies so as to diversify the industries. The price is fixed at the market price. The type of articles may be standardized. Prisoners in the discretion of the Commission receive a graded compensation, in no case more than 10 per cent of earnings of institution. Fines are imposed as a substitute for punishment, not to exceed 50 cents a day. Surplus earnings can go to family, are never to

be used in buying commissary, but the balance paid on release, subject to draft. If parole is broken, men are fined for the expense of recapture. Discharged prisoners get suit and \$35 if longer than 6 months in institution. The warden is required to make a monthly report to the Commission.

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